



# Cedar City

10 North Main Street • Cedar City, UT 84720  
435-586-2950 • FAX 435-586-4362  
www.cedarcity.org

## Mayor

Maile L. Wilson

## Council Members

Ronald R. Adams  
John Black  
Paul Cozzens  
Don Marchant  
Fred C Rowley

## City Manager

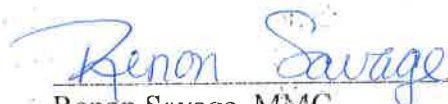
Rick Holman

## **AMENDED CITY COUNCIL WORK MEETING** **FEBRUARY 4, 2015** **5:30 P.M.**

The City Council meeting will be held in the Council Chambers at the City Office, 10 North Main Street, Cedar City, Utah. The agenda will consist of the following items:

- I. Call to Order
- II. Agenda Order Approval
- III. Administration Agenda
  - Mayor and Council Business
  - Staff Comment
- IV. Public Agenda
  - Public Comments
- V. Business Agenda
  - Public
    1. Discuss storm drain concerns for property located in the vicinity of 525 North 100 East – Wayne Hall
    2. Discuss parking at the Senior Citizen Center on 200 South – Connie Lloyd/Kit Wareham
  - Staff
    3. Consider the purchase of a new John Deere 410L Backhoe – Robbie Mitchell
    4. Consider purchase of a mini excavator – Jeff Hunter
    5. Consider a budget reallocation for the 400 North/I-15 Waterline Replacement project – Jonathan Stathis
    6. Consider a contract with AWJ for internet service at the Fire Station – Chief Mike Phillips
    7. Consider an ordinance amending the provisions of the Cedar City Subdivision Ordinance (Chapter 32) – Paul Bittmenn/Kit Wareham
    8. Consider an appointment to the Airport Board – Mayor Wilson
    9. Consider participating with the League of Cities and Towns in evaluating transportation funding – Rick Holman

Dated this 3<sup>rd</sup> day of February, 2015.

  
Renon Savage, MMC  
City Recorder

CERTIFICATE OF DELIVERY:

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 3<sup>rd</sup> day of February, 2015.

A handwritten signature in cursive script, reading "Renon Savage", is written over a horizontal line.

Renon Savage, MMC  
City Recorder

Cedar City Corporation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in accessing, understanding or participating in the meeting, please notify the City not later than the day before the meeting and we will try to provide whatever assistance may be required.

**CEDAR CITY  
CITY COUNCIL AGENDA ITEM /  
STAFF INFORMATION SHEET**

**TO:** Mayor and City Council

**FROM:** Kit Wareham

**DATE:** February 4, 2015

**SUBJECT:** 525 North 100 East Drainage Concerns

**INFORMATION:**

Wayne Hall who owns Mountain Towing at 525 North 100 East has requested to be on the City Council agenda this week to discuss drainage issues at his businesses. I thought I would give you some historical information on the matter before the meeting that might help in the discussion.

- As shown on the attached drawing Mr. Hall business is located north of property that is owned by the City and is adjacent to Coal Creek.
- Historically Mr. Halls property has drained out onto the City property either directly to Coal Creek or into ditches on the City property that drained into Coal Creek.
- Over ten years ago Mr. Hall obtained and 9 feet wide access easement from the City to improve his access to his property that fronts on Main Street.
- In 2002 and again in 2007 the City completed flood control projects that installed the box culvert in 100 east and the 42 inch pipe across the City property as shown on the drawing. With the 2007 project the 12 inch pipe that extends to drain Mr. Hall Property was also installed. This pipe does back flow in larger storm and creates a very small pond at the inlet of the pipe.
- In May of 2012 Mr. Hall obtained a building permit for a building in the northeast corner of his property.
- This building permit requires Mr. Hall to install Curb, Gutter, Sidewalk and asphalt improvements on 100 East as shown on the attached drawing before he can occupy his building.
- In the summer of 2013 City Engineering staff met with Mr. Hall to discuss his drainage issues. It that meeting Mr. Hall was told that in order to resolve the drainage issues in this area that curb and gutter would need to be installed along the entire east side of his property. Mr. Hall was also told that once the curb and gutter is installed he would need to install inlets into the curb in order to drain his property.

-Also as shown on the attached drawing, this curb and gutter needs to extend further south across approximately 30 feet of City property to the existing box culvert. At that point a drainage inlet box would need to be installed on top of the box culvert. In the meeting Mr. Hall was told that if he would install the curb and gutter along his property the City install and pay for the curb and gutter across the City property and the drainage inlet box on top of the box culvert. The City also committed to do all the engineering work for the project.

- To date the City has completed the design work done for the project and is still committed to pay for the improvements install on City property.

-After the project is complete and Mr. Halls property all drains into the new curb and gutter, the 12 inch drainage pipe that was installed previously to drain Mr. Hall's property can be eliminated along with the small pond that occurs during larger storms.

- This summer of 2015 the Paiute Tribe does have an improvement project for Paiute Drive and the south end 100 East. There is a possibility that some of the needed drainage improvements for both Mr. Hall and the City will be installed as part of that project.

If you have any questions or comments on matter or the write-up above, please give me a call.



Curb, Gutter and Sidewalk Improvements  
Required with Building Permit

2' x 5' Box Culvert

Curb, Gutter, Sidewalk and  
Drainage Inlet Box by City

9 foot easement access from City

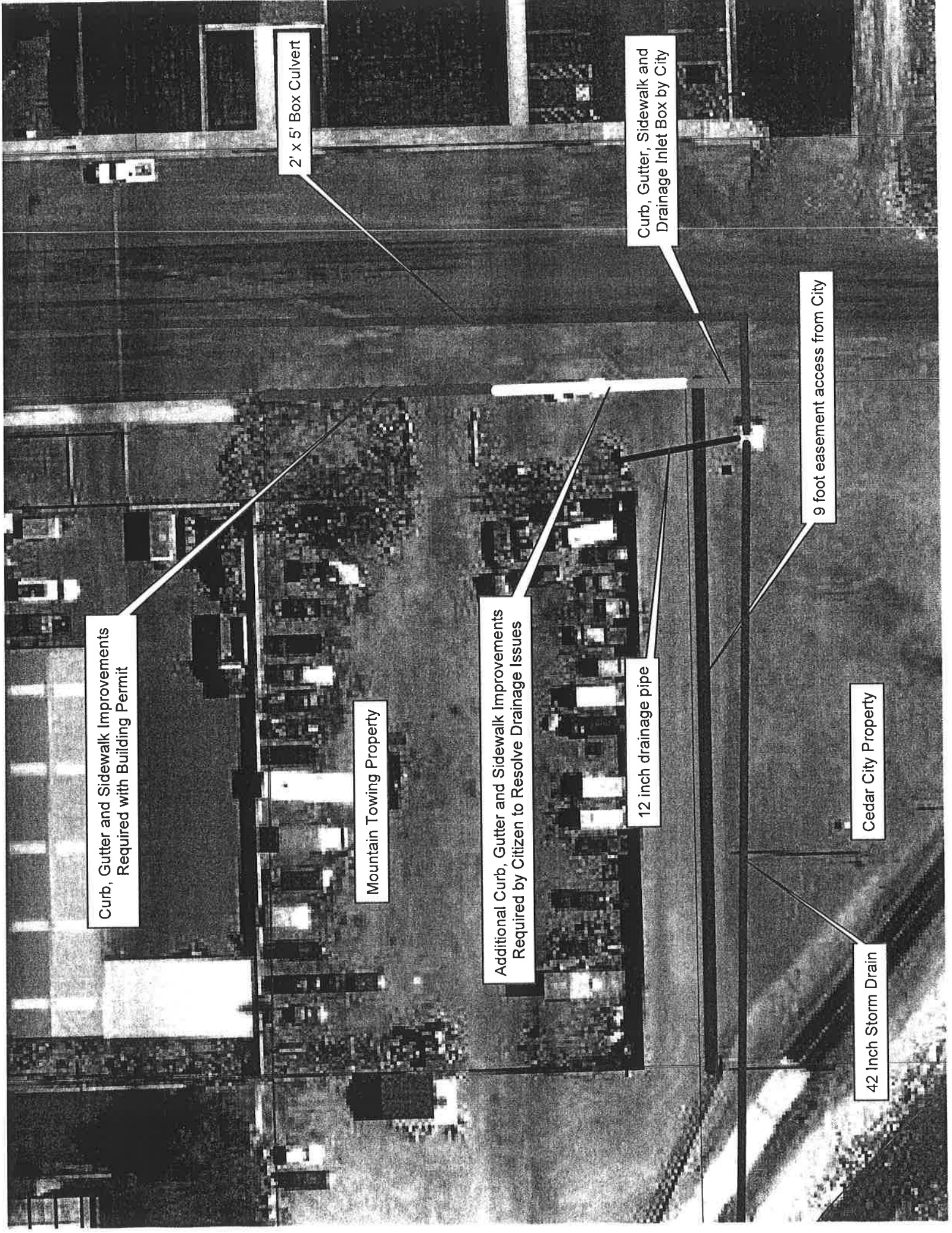
Additional Curb, Gutter and Sidewalk Improvements  
Required by Citizen to Resolve Drainage Issues

12 inch drainage pipe

Cedar City Property

42 Inch Storm Drain

Mountain Towing Property



**CEDAR CITY  
COUNCIL AGENDA ITEM 2**

**STAFF INFORMATION SHEET**

**TO:** Mayor and Council

**FROM:** Kit Wareham

**DATE:** February 4, 2015

**SUBJECT:** Consider Ordinance to Allow Angle Parking on North of 200 South in Front of Senior Citizen's Center

**Discussion:** It is proposed that angle parking be allowed on 200 South in front of the senior citizens center as shown on the attached drawing. There is room in this area for 10 angle parking spaces at 45 degrees. The asphalt width in this area is 66 feet which is sufficient for the 19 feet for the angle parking on the north, 2-12 foot wide travel lanes, the 10 foot wide parallel park lane on the south and 2- 6 foot wide bicycle lanes. The only issue is, the bicycle lane is marked on the north would run through the angle parking spaces. This part of the bicycle lane would either need to be eliminated or moved to the south in order to accommodate the angle parking.



161 S

GARAGE

VACANT

Proposed Angle Parking

440 E

516 E

544 E

234 S

Backhoe purchase pricing

Bidding Company

	<u>Century / Case</u>	<u>Wheeler / Cat</u>	<u>Honnen / John Deere</u>
Price of new Backhoe	\$98,726.00	\$97,900.00	\$100,704.00
Trade in value / 410	\$30,000.00	\$30,500.00	\$35,000.00
Total Cost	<u>\$68,726.00</u>	<u>\$67,400.00</u>	<u>\$65,704.00</u>

The Water Division is requesting approval from the City Council to purchase the John Deere 410L Backhoe

Approved Budget \$70,000.00

**CEDAR CITY COUNCIL**  
**AGENDA ITEM 4**  
**INFORMATION SHEET**

**TO:** Mayor and City Council

**FROM:** Ryan Marshall & Jeff Hunter

**DATE:** January 30, 2015

**SUBJECT:** Mini Excavator

**DISCUSSION:**

Cedar City Storm Drain Division is requesting approval for a mini excavator approved in the FY-2015 budget in the amount of \$62,984.00. The specifications that were requested from three (3) vendors – Honnen Equipment St. George, Century Equipment Cedar City, and Wheeler Machinery Cedar City – are attached with their quotes.

Jeff is recommending the CAT 305.5E2C3T at a price of \$62,034.00.





Quote 108939-01

January 16, 2015

CEDAR CITY CORPORATION  
ATTN STREET DEPT  
10 N MAIN  
CEDAR CITY, UT , 84720

Attention: BOB TATE

Dear Customer,

Thank you for your interest in Wheeler Machinery Co. and its products. I am pleased to provide you with this quote for your consideration.

CATERPILLAR Model: 305.5E2C3Ti Hydraulic Excavators

**STOCK NUMBER:** LKC01428

**SERIAL NUMBER:** 0EJX00202

**YEAR:** 2015

I appreciate the opportunity to provide you with your equipment needs. This quote is valid for 30 days after which point, dealer reserves the right to re-quote. Please contact me with any questions.

Sincerely,

Marco Defa  
Machine Sales Representative

Notice is hereby given that Wheeler Machinery Co. has assigned its rights to WMC Exchange LLC to sell certain like-kind exchange qualifying rental equipment.

Higher Hp 44.1 Straight Blade  
Weight 11,958

**MACHINE SPECIFICATIONS**

Description	Reference No
305.5E2 MHE RUBR BELT TRK DCA2	436-7962
COUNTERWEIGHT, STANDARD	367-0949
DRAIN, STANDARD	377-4519
COOLING, HIGH AMBIENT	378-1245
LINES, AUXILIARY, LONG STICK	379-4677
305.5E2 HYDRAULIC EXCAVATOR	397-7004
LINES, STICK	397-7064
LINKAGE BUCKET W/ LIFTING EYE	397-7078
LINES, BOOM	397-7086
CONTROL PATTERN CHANGER	397-7126
BLADE, 77", WELD-ON	397-7157
STICK LONG W/ THUMB BRACKET	397-7198
HYDRAULICS STD W/O 2ND AUX	415-5006
CAB W/ AIR CONDITIONER	415-5025
LINES, BUCKET, LONG STICK	415-5078
ALARM, TRAVEL	419-4783
MIRROR, CAB, RIGHT	428-7870
SEAT FABRIC HIGH BACK SUSP	428-7874
ENGINE GENERAL EPA FLEX	431-7303
BELT, SEAT, 3" RETRACTABLE	434-2092
RADIO, NONE	437-3272
TRACK, RUBBER BELT	436-2494
LANE 1 ORDER	0P-9001
INSTRUCTIONS, ANSI	397-6940
SERIALIZED TECHNICAL MEDIA KIT	421-8926
SHIPPING/STORAGE PROTECTION	0P-2266
PACK, DOMESTIC TRUCK	0P-0210
THUMB	439-1346
BUCKET, 24" and 12"	303-1314
QUICK COUPLER	

Engine 44.1 hp  
Weight 11,958

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Sell Price	\$62,034.00
After Tax Balance	\$62,034.00

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**WARRANTY**

Extended Warranty: 3 year 3000 hour Powertrain or 3 year 1500 hour Powertrain  
& Hydraulics

**F.O.B/TERMS**

SLC

**FINANCING**

Accepted by \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_  
Signature





Quote 109041-01

January 30, 2015

CEDAR CITY CORPORATION  
ATTN STREET DEPT  
10 N MAIN  
CEDAR CITY, UT, 84720

Attention: JEFF HUNTER

Jeff,

Thank you for your interest in Wheeler Machinery Co. and its products. I am pleased to provide you with this quote for your consideration.

CATERPILLAR Model 305E2 Hydraulic Excavators Weight: 11,443 LB 40.2 HP

YEAR: 2015

I appreciate the opportunity to provide you with your equipment needs. This quote is valid for 30 days after which point, dealer reserves the right to re-quote. Please contact me with any questions.

Sincerely,

Marco Defa  
Machine Sales Representative

Notice is hereby given that Wheeler Machinery Co. has assigned its rights to WMC Exchange LLC to sell certain like-kind exchange qualifying rental equipment.

**CATERPILLAR Model: 305E2 Hydraulic Excavators Weight: 11,443 LB 40.2 HP**

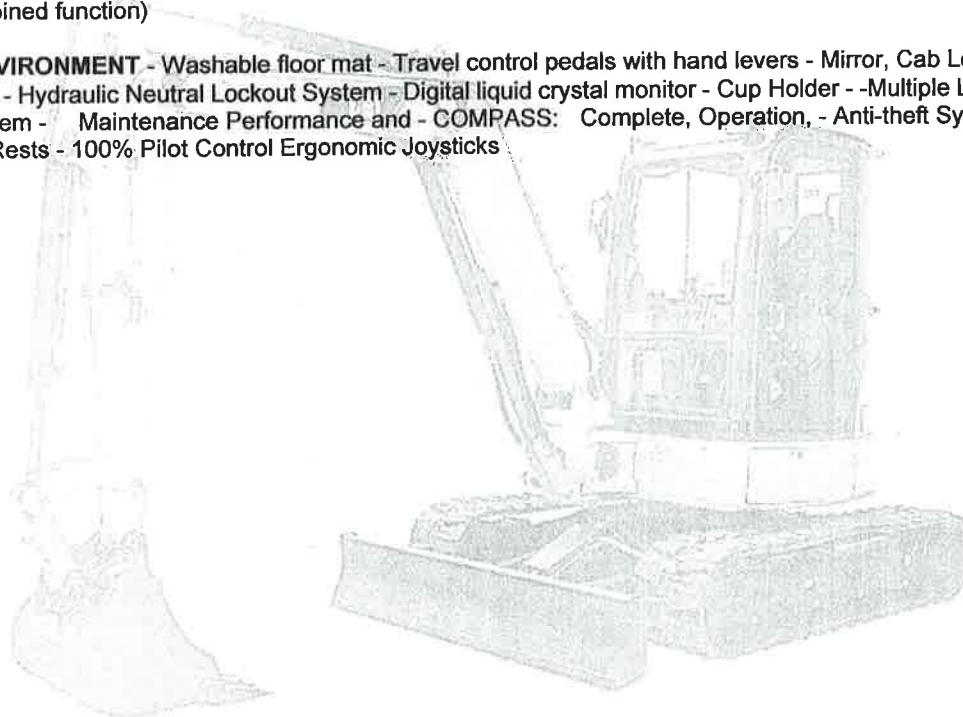
**STANDARD EQUIPMENT**

**POWERTRAIN** - Cat C2.4 Diesel Engine - U.S. EPA Tier 4i - EU Stage IIIA - ISO 9249/EEC 80/1269 - Rated Net Power 30.0kW/ 40.2hp - Automatic Engine Idle - Automatic Swing Park Brake - Automatic Two Speed Travel - Fuel and Water Separator

**ELECTRICAL** - 12 Volt Electrical System - 60 Ampere Alternator - 650 CCA Maintenance Free Battery - Fuse Box - Ignition Key Start / Stop Switch - Slow Blow Fuse - Warning Horn

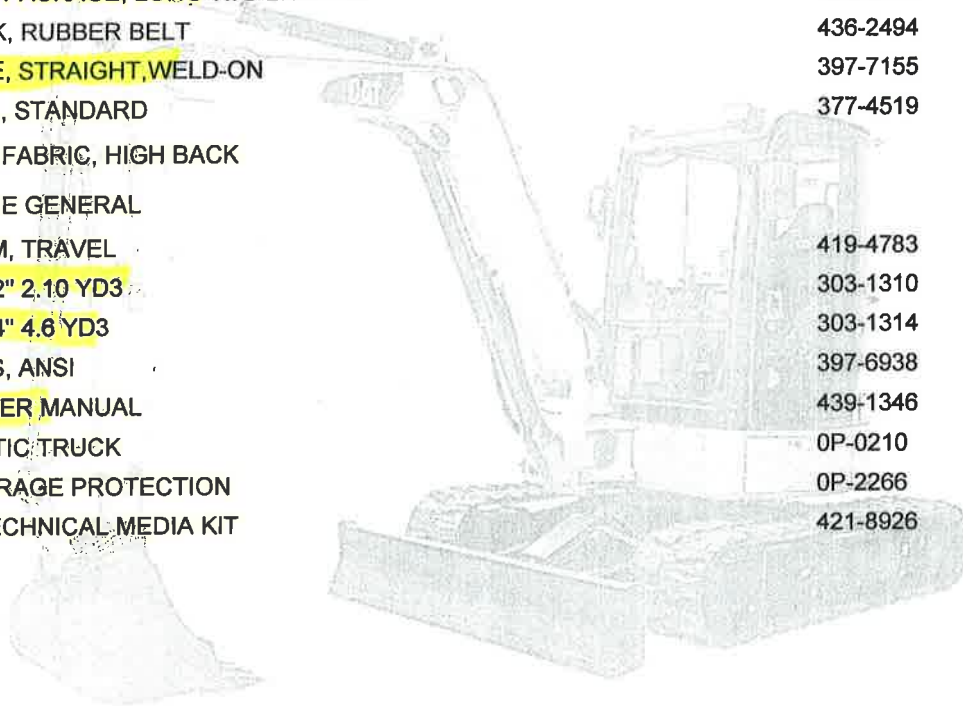
**OTHER STANDARD EQUIPMENT** - Economy Mode - Hydraulic Oil Cooler - Load Sensing Hydraulics - Lockable Fuel Cap - Radio Ready - Rear Reflector - Roll Over Protective Structure (ROPS) - (ISO 12117-2) - Swing Boom Design - Swivel Guard - Tie Down Eyes on Track Frame - Tip Over Protective Structure (TOPS) - (ISO 12117) - Tool Storage Area - Top Guard - ISO 10262 (Level 1) - Towing Eye on Base Frame - Twin Work Lights - Dozer Blade with Float Function - Door Locks - Continuous Flow - Caterpillar Corporate "One Key" System - Boom Lowering Device - Auxiliary Line Quick Disconnects - Adjustable Auxiliary Hydraulics - Auxiliary Hydraulic Lines - Accumulator Certification - 1-way and 2-way (combined function)

**OPERATOR ENVIRONMENT** - Washable floor mat - Travel control pedals with hand levers - Mirror, Cab Left - Literature Holder - Hydraulic Neutral Lockout System - Digital liquid crystal monitor - Cup Holder - Multiple Languages - Security System - Maintenance Performance and - COMPASS: Complete, Operation, - Anti-theft System - Adjustable Arm Rests - 100% Pilot Control Ergonomic Joysticks



**MACHINE SPECIFICATIONS**

Description	Reference No
305E2 MHE RUBBER BELT TRK DCA2	436-7942
3977003 305E2 MINI HYD EXCAVATOR	
4155025 CAB, WITH AIR CONDITIONER	
3977126 CONTROL, PATTERN CHANGER	
3781245 COOLING, HIGH AMBIENT	
3977084 LINES, BOOM	397-7084
3977063 LINES, STICK	397-7063
4342092 BELT, SEAT, 3" RETRACTABLE	
4287870 MIRROR, CAB, RIGHT	428-7870
4362518 STICK PACKAGE, LONG W/O 2ND AUX	436-2518
4362494 TRACK, RUBBER BELT	436-2494
3977155 BLADE, STRAIGHT, WELD-ON	397-7155
3774519 DRAIN, STANDARD	377-4519
4287874 SEAT, FABRIC, HIGH BACK	
4317302 ENGINE GENERAL	
4194783 ALARM, TRAVEL	419-4783
BUCKET-HD, 12" 2.10 YD3	303-1310
BUCKET-HD, 24" 4.6 YD3	303-1314
INSTRUCTIONS, ANSI	397-6938
THUMB/COUPLER MANUAL	439-1346
PACK, DOMESTIC TRUCK	0P-0210
SHIPPING/STORAGE PROTECTION	0P-2266
SERIALIZED TECHNICAL MEDIA KIT	421-8926



Sell Price	\$57,400.00
Power angle blade (optional)	\$4,250.00
Power angle blade 305	\$61,650.00

WARRANTY

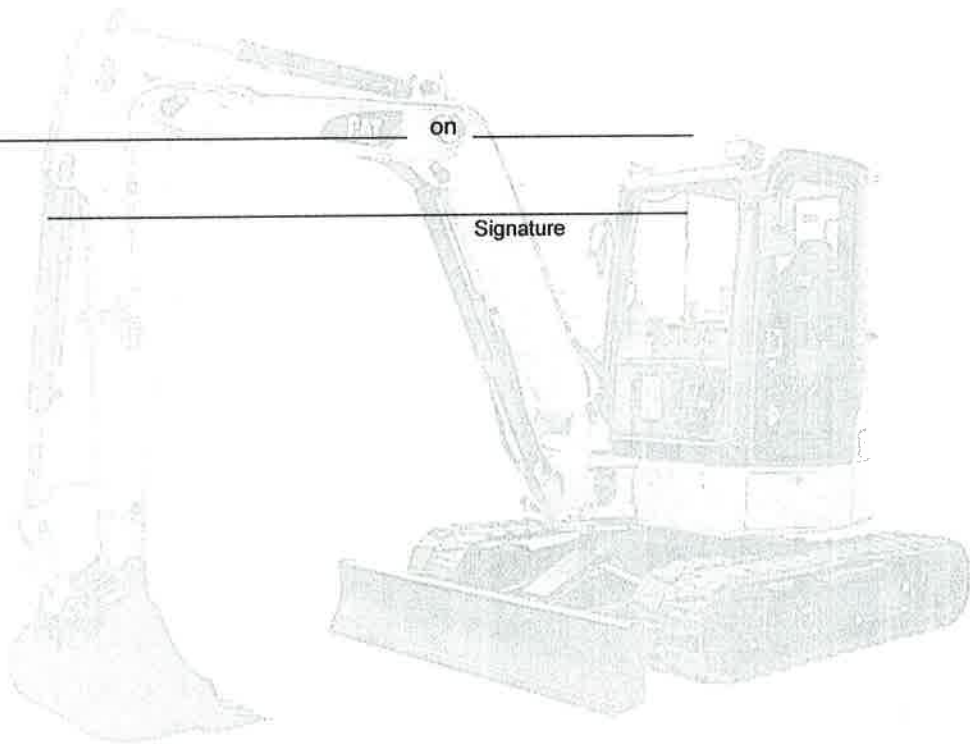
Standard Warranty: 12 month or 1,500 hour full machine  
Extended Warranty: 3 year 3000 hour powertrain or 3 year 1500 hour powertrain and hydraulics

F.O.B./TERMS

Cedar City

Accepted by \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_  
Signature





HITACHI



January 29th, 2015

Mr. Jeff Hunter  
Cedar City Street  
10 North Main Street  
Cedar City, UT 84721

Dear Jeff:

We are pleased to quote the following for your consideration:

**(1) New John Deere 50G Compact Excavator; Factory Order.**

The following factory and dealer options are included:

- \* Standard Equipment,
- \* 16" Rubber Tracks,
- \* Cloth Suspension Seat,
- \* ROPS Cab with Heater & A/C,
- \* 5'7" Long Arm,
- \* Manual Quick Coupler,
- \* Angle Blade,
- \* Control Pattern Change Valve,
- \* Aux Hydraulic Lines to End of Boom,
- \* Two Speed Travel with Auto Shifting,
- \* Zero Tail Swing,
- \* One Light Mounted on Cab,
- \* One Light Mounted on Boom,
- \* Electronic Throttle Control w/ Auto Idle,
- \* 2" Seat Belt,
- \* Horn,
- \* Hour Meter,
- \* Motion Alarm with Cancel Switch,
- \* Standard Monitor System,
- \* Cupholder,
- \* 12 Volt Cell Phone Outlet,
- \* Radio Ready,
- \* 12" HD Bucket
- \* 24" HD Bucket
- \* Engine Coolant Heater
- \* 35.9 SAE Net Engine HP
- \* 12,251 LBS Approximate Weight

- \* Warranty: Standard New Machine Warranty good for up to 12 months with unlimited hours.

**Cash Sales Price:**

**\$62,320.00**

**\*FOB Cedar City, Utah**

**Optional Items**

- (1) Extended Powertrain Warranty good for up to 36 months from date of invoice or up to 1,500 total machine hours, whichever occurs first. **Add \$200.00**

We believe the equipment as quoted will exceed your expectations. On behalf of Honnen Equipment Co., thank you for the opportunity to quote John Deere machinery.

Sincerely,

Dillon Judd  
Territory Manager

'This proposal is good for 30 days'



HITACHI



VOGELE



January 26th, 2015

Mr. Jeff Hunter  
Cedar City Street  
10 North Main Street  
Cedar City, UT 84721

Dear Jeff:

We are pleased to quote the following for your consideration:

**(1) New John Deere 50G Compact Excavator; Factory Order.**

The following factory and dealer options are included:

- \* Standard Equipment,
- \* 16" Rubber Tracks,
- \* Cloth Suspension Seat,
- \* ROPS Cab with Heater & A/C,
- \* 5'7" Long Arm,
- \* Manual Quick Coupler,
- \* Standard 6'7" Backfill Blade,
- \* Control Pattern Change Valve,
- \* Aux Hydraulic Lines to End of Boom,
- \* Two Speed Travel with Auto Shifting,
- \* Zero Tail Swing,
- \* One Light Mounted on Cab,
- \* One Light Mounted on Boom,
- \* Electronic Throttle Control w/ Auto Idle,
- \* 2" Seat Belt,
- \* Horn,
- \* Hour Meter,
- \* Motion Alarm with Cancel Switch,
- \* Standard Monitor System,
- \* Cupholder,
- \* 12 Volt Cell Phone Outlet,
- \* Radio Ready,
- \* 12" HD Bucket
- \* 24"HD Bucket
- \* Engine Coolant Heater
- \* 35.9 SAE Net Engine HP
- \* 11,349 LBS Approximate Weight

\* Warranty: Standard New Machine Warranty good for up to 12 months with unlimited hours.

**Cash Sales Price:**

**\$60,056.00**

**\*FOB Cedar City, Utah**

**Optional Items**

- (1) Extended Powertrain Warranty good for up to 36 months from date of invoice or up to 1,500 total machine hours, whichever occurs first. **Add \$200.00**

We believe the equipment as quoted will exceed your expectations. On behalf of Honnen Equipment Co., thank you for the opportunity to quote John Deere machinery.

Sincerely,

Dillon Judd  
Territory Manager

'This proposal is good for 30 days'





# Customer Quotation & Order Form

4343 Century Drive  
P.O. Box 57500  
Salt Lake City, UT 84157  
Phone (801) 262-6761  
Fax (801) 262-6780

549 32 Road  
Clifton, CO 81520  
Grand Junction  
Phone (970) 434-7363  
Fax (970) 434-7367

North Main Street  
P.O. Box 972  
Cedar City, Utah 84720  
Phone (435) 586-4406  
Fax (435) 586-2382

2030 Sunset Drive  
P.O. Box 2187  
Rock Springs, Wyoming 82901  
Phone (307) 382-6570  
Fax (307) 382-6574

1687 S. Highway 89-91  
Logan, UT 84321  
Phone (435) 762-1533  
Fax (435) 762-6722

1097 Highway 3  
Durango, CO 81301  
Phone (970) 247-0622  
Fax (970) 247-9721

2957 North 350 East  
Spanish Fork, UT 84660  
Phone (801) 794-1463  
Fax (801) 794-1414

Customer's Name <b>Cedar City Corp</b>		Deliver To:	
Address <b>10 North Main Street</b>		Address	
City or Town <b>Cedar City</b>	State <b>Utah</b>	Zip Code <b>84720</b>	
Date <b>1/27/2015</b>	Expected delivery date	Account No.	Invoice No.
			Phone Number <b>435-233-0059</b>

Quantity	Description of Goods	Price
1	<b>Case CX55B T4 Final Mini Excavator</b> Cab, Heater, Air Conditioner, Vinyl Seat, AM/FM Radio, Rubber Tracks, Single/Bi-Directional Auxiliary Hydraulics, Pattern Control Changer, <b>Knock Down Blade, 12" &amp; 24" Tag Buckets, Tag Wain Roy Style</b> <b>Coupler, Main Pin Hydraulic Thumb, 9'4" Boom, 5'7" Arm with a</b> <b>12'10" Digging Depth, Net Horse Power of 39.3, Operating Weight of</b> <b>12,295 Pounds and all other Standard Features.</b>  3 year 3000 hour full machine warranty.	\$62,290.00
	subject to credit & management approval	

## TRADE-IN OF EQUIPMENT

None	S/N
------	-----

Century Equipment Co. warrants the above described Equipment only to the extent of the manufacturer's written warranty in effect on date of delivery. No other warranty is expressed or implied except as noted below or signed and attached in writing to this document by Century Equipment Co.

Century Equipment Co. makes the following optional warranties: (If none, write none)

**NONE AS-IS**

## Read Reverse Side Before Signing

Signature of Purchaser or Agent \_\_\_\_\_ Date \_\_\_\_\_

Signature of Purchaser or Agent \_\_\_\_\_ Date \_\_\_\_\_

Witnessing Sales Representative of Century Equipment Co. \_\_\_\_\_ Date \_\_\_\_\_

Total Trade In Value	
Less Amount Owning	
Net Trade In Allowance	
Total Amount	\$ 62,290.00
Deduct Trade In	
Deduct Lease Equity	
Cash Difference	
Other	
Sales Tax	
Total Cash Price	\$ 62,290.00
Less Cash Received	
Balance Due on Delivery	

Order Accepted By:

**CENTURY EQUIPMENT COMPANY, INC.**

\_\_\_\_\_  
Sales Rep. or Controller



# Customer Quotation & Order Form

4343 Century Drive  
P.O. Box 57500  
Salt Lake City, UT 84157  
Phone (801) 262-5761  
Fax (801) 262-5780

549 32 Road  
Clifton, CO 81520  
Grand Junction  
Phone (970) 434-7363  
Fax (970) 434-7367

North Main Street  
P.O. Box 972  
Cedar City, Utah 84720  
Phone (435) 586-4406  
Fax (435) 586-2362

2030 Sunset Drive  
P.O. Box 2187  
Rock Springs, Wyoming 82901  
Phone (307) 382-6670  
Fax (307) 382-6674

1687 S. Highway 89-91  
Logan, UT 84321  
Phone (435) 762-1533  
Fax (435) 762-5722

1097 Highway 3  
Durango, CO 81301  
Phone (970) 247-0622  
Fax (970) 247-9721

2957 North 350 East  
Spanish Fork, UT 84660  
Phone (801) 794-1463  
Fax (801) 794-1414

Customer's Name <b>Cedar City Corp</b>		Deliver To:	
Address <b>10 North Main Street</b>		Address	
City or Town <b>Cedar City</b>	State <b>Utah</b>	Zip Code <b>84720</b>	
Date <b>1/27/2015</b>	Expected delivery date	Account No.	Invoice No.
			Phone Number <b>435-233-0059</b>

Quantity	Description of Goods	Price
1	<b>Case CX55B T4 Final Mini Excavator</b> S/N NETN55309 Cab, Heater, Air Conditioner, Vinyl Seat, AM/FM Radio, Rotating Beacon, Rearview Mirror, 4-Way Dozer Blade, 12" & 24" Tag Buckets, Tag Wain Roy Style Mechanical Coupler, Tag Hydraulic Main Pin Thumb, Pattern Control Changer, Single/Bi-Directional Auxiliary Hydraulics, 9'4" Boom, 5'7" Arm, with a Dig Depth of 12'10", Net Horse Power is 39.3, Operating wheight of 12,295 Pounds and all other Standard Features.  3 year 3000 hour full machine warranty.  <b>subject to credit &amp; management approval</b>	\$64,361.25

TRADE-IN OF EQUIPMENT		
None	S/N	

Century Equipment Co. warrants the above described Equipment only to the extent of the manufacturer's written warranty in effect on date of delivery. No other warranty is expressed or implied except as noted below or signed and attached in writing to this document by Century Equipment Co.  
Century Equipment Co. makes the following optional warranties: (If none, write none)

**NONE AS-IS**

**Read Reverse Side Before Signing**

Signature of Purchaser or Agent

Date

Signature of Purchaser or Agent

Date

Witnessing Sales Representative of Century Equipment Co.

Date

Total Trade In Value	
Less Amount Owning	
Net Trade In Allowance	
Total Amount	\$ 64,361.25
Deduct Trade In	
Deduct Lease Equity	
Cash Difference	
Other	
Sales Tax	
Total Cash Price	\$ 64,361.25
Less Cash Received	
Balance Due on Delivery	

Order Accepted By:

**CENTURY EQUIPMENT COMPANY, INC.**

Signature of Sales Rep, Sales Manager, or Controller



**CEDAR CITY  
CITY COUNCIL AGENDA ITEM 5  
STAFF INFORMATION SHEET**

**To:** Mayor and City Council

**From:** Jonathan Stathis

**Council Meeting Date:** February 4, 2015

**Subject:** **Consider a Budget Revision for the 400 North/I-15 Waterline Replacement Project.**

**Discussion:** A few months ago, a leak was identified on the existing 10-inch waterline that passes underneath I-15 at 400 North Street. It was found that the leak was located under the I-15 northbound travel lanes. The valves on each side of I-15 were shut-off in order to isolate this section of waterline in order to stop the leak. This waterline is critical to serving this area of the City and it needs to be repaired as soon as possible so that it will be functional for the peak demand during the summer.

If approved, the project will be bid out with two different options to replace the existing waterline. The first option is to bore a steel casing under I-15 and then install a new 10-inch waterline inside the casing. The second option is to install a cured-in-place pipe (CIPP) liner inside the existing waterline.

The cost estimate for each option is as follows:

- Option 1 – Bore under I-15: \$190,000
- Option 2 – CIPP liner: \$140,000

Currently, there is \$202,899 remaining in the Water Line Replacement project (Account #51-40-731). It is proposed that this remaining fund balance be allocated for the project.

The following table provides a summary of the proposed budget for this project:

**Project Funding**  
**400 North/I-15 Waterline Replacement Project**  
**(Account #51-40-731)**

	<u>Funding</u>	<u>Expenses</u>	<u>Balance</u>
<u>Funding in FY 2014-15 –</u>			
Acct. #51-40-731 (Water Line Replacement)	\$202,899		
<u>Expenses for Option #1 – Bore under I-15 –</u>			
Construction/Engineering		(\$156,000)	
Contingency/Miscellaneous/Materials Testing		(\$34,000)	
 Totals –	 \$202,899	 (\$190,000)	 \$12,899

**CEDAR CITY COUNCIL**  
**AGENDA ITEM** 4

**DECISION PAPER**

**To:** Mayor and City Council

**From:** Mike Phillips

**Date:** 26 January 26, 2015

**Subject:** Accept the bid from AWI Networks to provide internet service for Cedar City Fire Department

**Problem:**

The current 2MB of internet service does not handle today's high demands for internet service.

Cedar City Fire uses the internet for the following applications:

- Spillman (Internet driven Fire Reporting Software)
- RTI Connection (Connects to public works for vehicle maintenance)
- UFRA/UVU (Firefighter Certification Records)
- Email Communications (Inter department and outside communications)
- Training

South Central Communications has been the service provider for Cedar City Fire Department since May of 2011 providing the 2MB service for \$49.95 per month which is the best service they are able to provide over the air waves.

The following are alternative solutions:

- Quote from South Central for 20MB = over a fiber optic connection is \$625.00 per Month.
- Quote from Info West for 15MB for \$69.95 per month with a 2-year contract with no installation fees.
- Quote from AWI 20MB service for \$59.95 per month with a 2-year contract, also with no installation fees.

In talking with Heidi Miller from the housing authority, she expressed how well AWI has worked for them. Prior to AWI she worked with Century Link and Info West. Heidi stated that the service from AWI far exceeded that of either of the previous mentioned Companies.

**Recommendation:** Approve and accept the bid from AWI networks

**From: AWI Networks**

## Proposal

845 East Red Hills Parkway  
St. George, UT 84770  
Phone 435-674-0320 Fax 435-634-0349

#011612  
DATE: JANUARY 23, 2015  
REPRESENTATIVE: AUSTON - EXT. 1

**For:**  
Cedar City Fire Department

**FOR:**  
Antenna/Modem Internet Connection

Qty	DESCRIPTION	Price	AMOUNT
1	20Mbps x 2Mbps modem connection-- MRC (Monthly Recurring Cost)	79.95	79.95
	Discount	(20.00)	59.95
	<b>Total MRC</b>		<b>\$59.95</b>
	Installation (Free Installation w/ 2 year agreement)	200.00	<b>0</b>
	<b>Total NRC</b>		<b>\$0.00</b>
	<b>Grand Total For First Month Internet (With agreement):</b>	<b>Total Due</b>	<b>\$59.95</b>

**Thank you for your  
business!**

Accepted by: \_\_\_\_\_

Date: \_\_\_\_\_

Order Date \_\_\_\_\_ 201\_\_

Scheduled Date \_\_\_\_\_ 201\_\_

CSR \_\_\_\_\_

Rent \_\_\_\_\_

Own \_\_\_\_\_

Referral \_\_\_\_\_



845 Red Hills Parkway  
St. George, Utah 84770-3068  
Phone: (435) 674-0320

**EQUIPMENT LOCATION:**

Full Name \_\_\_\_\_ Phone # \_\_\_\_\_

Last,

First

Middle

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email Address: \_\_\_\_\_

BILLING ADDRESS (Indicate Same if Same) Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Employer \_\_\_\_\_ Employer Phone# \_\_\_\_\_ S.S.# \_\_\_\_\_

Spouse \_\_\_\_\_ Spouse Phone# \_\_\_\_\_ S.S.# \_\_\_\_\_

Notes \_\_\_\_\_

**DATA SERVICES:**

INSTALLATION \_\_\_\_\_

RBRZ 1M/256K \_\_\_\_\_

RSIL 4M/1M \_\_\_\_\_

RGLD 8M/1M \_\_\_\_\_

RPLT 14M/1M \_\_\_\_\_

AEXP 20M/2M \_\_\_\_\_

ADLX 30M/2M \_\_\_\_\_

ASUP 60M/4M \_\_\_\_\_

AULT 100M/5M \_\_\_\_\_

\_\_\_\_\_ M \_\_\_\_\_

Static IP Address \_\_\_\_\_

Home Network Service \_\_\_\_\_

TOTAL \_\_\_\_\_

**PHONE SERVICES:**

RES ACTIVATION (\$35.00) \_\_\_\_\_

BUS ACTIVATION (\$55.00) \_\_\_\_\_

RESIDENTIAL (\$29.95) \_\_\_\_\_

BUSINESS (\$34.95) \_\_\_\_\_

PORT FEE (\$10.00) \_\_\_\_\_

E911 CHG. (\$1.99) \_\_\_\_\_

SERVICE DISCOUNT (-\$5.00) \_\_\_\_\_

TOTAL \_\_\_\_\_

**ADD'L EQUIPMENT:**

Router \_\_\_\_\_

Tax \_\_\_\_\_

TOTAL \_\_\_\_\_

**GRAND TOTAL:** \_\_\_\_\_

MODEM #(s) \_\_\_\_\_

TRANSCIVER MAKE, MODEL, SER.# \_\_\_\_\_

INSTALLER \_\_\_\_\_ DATE \_\_\_\_\_ 201\_\_

I HAVE READ THE REVERSE SIDE AND AGREE TO THE TERMS AND CONDITIONS OF PROVIDING SERVICE. PAYMENT NOT RECEIVED UNDER THE TERMS OF THIS AGREEMENT BY THE 10th OF THE MONTH WILL BE SUBJECT TO A \$5.00 MINIMUM LATE CHARGE. SUBSCRIBER AGREES TO PAY REASONABLE ATTORNEY FEES, COLLECTION AGENCY FEES AND OR COURT COSTS TO ENFORCE COLLECTION OF AMOUNTS PAST DUE. I UNDERSTAND THAT AWI IS NOT RESPONSIBLE FOR DAMAGE DUE TO LIGHTNING, EARTHQUAKE, AND OTHER NATURAL DISASTERS. I WILL MAINTAIN INSURANCE TO PROTECT MYSELF AND EQUIPMENT PLACED, AS AGREED TO IN THIS DOCUMENT.

ACCEPTED BY SUBSCRIBER \_\_\_\_\_ DATE \_\_\_\_\_ 201\_\_

PRINT NAME \_\_\_\_\_

# Contributory Charges Contract



845 Red Hills PKWY.  
St. George, Utah 84770-3068  
Phone:(435)674-0320

Contract Date \_\_\_\_\_ 201\_\_

## SUBSCRIBER:

Full Name \_\_\_\_\_ Phone # \_\_\_\_\_  
                    Last,                      First                      Middle  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Installation \$ \_\_\_\_\_ Modem \$ \_\_\_\_\_ Router \$ \_\_\_\_\_

## CONTRACT PERIOD:

One Year ☐ Two Years ☐ Other \_\_\_\_\_ ☐

Subscriber understands that by signing this Contract, Subscriber acknowledges that AWI Networks (AWI) is accepting this Contract as collateral for up-front costs, to be paid by Subscriber, that represent AWI's investment in the Services to be provided at the premises indicated on the AWI Service Agreement. These costs represent materials, labor and devices that are dedicated to the Services to be provided at the premises. Subscriber agrees to fulfill all of its obligations by paying the Monthly Recurring Charges (MRC) for the duration of the Contract period.

Subscriber may terminate the Services for any reason with 30 days written notice to AWI. If the Service is terminated prior to the expiration of any Service's minimum service period set forth in this Contract, the Subscriber will pay to AWI the MRC multiplied by the number of months remaining in the contract. In lieu of the MRC minimum payment, AWI may allow the Subscriber to pay (a) an Early Termination Charge; and (b) any applicable Service Cancellation Charges. Early Termination and Cancellation Charges count as Contributory Charges. Subscriber will remain liable for charges accrued but unpaid as of the termination date.

I HAVE READ THE CONTRACT AND AGREE TO THE TERMS AND CONDITIONS. PAYMENT NOT RECEIVED UNDER THE TERMS OF THIS AGREEMENT WILL BE SUBJECT TO REASONABLE ATTORNEY FEES, COLLECTION AGENCY FEES AND OR COURT COSTS TO ENFORCE COLLECTION OF AMOUNTS DUE. I UNDERSTAND THAT SKY-VIEW IS NOT RESPONSIBLE FOR DAMAGE DUE TO LIGHTNING, EARTHQUAKE, AND OTHER NATURAL DISASTERS. I WILL MAINTAIN INSURANCE TO PROTECT MYSELF AND EQUIPMENT PLACED, AS AGREED TO IN THIS DOCUMENT.

ACCEPTED BY SUBSCRIBER \_\_\_\_\_ DATE \_\_\_\_\_ 201\_\_

PRINT NAME \_\_\_\_\_

Acct# 3005035



# South Central COMMUNICATIONS

## Wireless Internet Service Agreement

Fax 435-867-5237

Date: 03 MAY 2011

Subscriber Name: Cedar City Corp / FIRE DEPT

Wireless Number:

Billing Address: 10 N MAIN

Home Number (435) 586-2964

Physical Address: 291 N 800 W

Work Number:

City/State/Zip: CEDAR CITY UT 84721

Fax Number:

SSN:

Salesman Code: Internet

Email #1

Password:

emails &amp; passwords are all lower-case and must contain 6-20 letters and or numbers.

Optional Email Addresses

Email #2

Password

Email #3

Password

Email #4

Password

Email #5

Password

Technical Support Hours: M-F 8am-8pm Sat. 10am-3pm 877-812-0948

### Wireless Internet Access

Plan (Download / Upload)	Price
Deluxe 1Mbps / 128k	<input type="checkbox"/> \$29.95
Platinum 2Mbps / 256k	<input checked="" type="checkbox"/> \$39.95
Platinum 4Mbps / 512k	<input type="checkbox"/> \$59.95

Plan prices and speeds are for limit purposes and do not reflect the exact speed of transmission

Equipment	
Motorola Canopy	<input type="checkbox"/> \$250.00
Equipment Rental*	<input checked="" type="checkbox"/> \$10.00

\*Equipment is property of South Central Communications

Options	
Static IP Address USE Existing	<input checked="" type="checkbox"/> \$10.00
Safe-T-Mail Email Filtering	<input type="checkbox"/> \$1.00

Installation	
Free Basic Installation	

### Notes

### South Central Communications Terms and Conditions

- South Central Communications Internet access may only be used for lawful purposes. Transmission of any material in violation of any US or state regulation is prohibited. This includes but is not limited to copyrighted material, threatening or obscene material, or material protected by trade secret.
- As a South Central Communications Client you agree to indemnify and hold harmless South Central Communications from any claims resulting from your use of the service which damages you, your equipment, or another party.
- Use of any information obtained via South Central Communications Internet access is at your own risk. South Central Communications specifically denies any responsibility for the accuracy or quality of information or materials obtained through its network. South Central Communications exercises no control whatsoever over the content of the information residing on or passing through it.
- South Central Communications makes no warranties of any kind, whether expressed or implied, for the service it is providing. South Central Communications will not be responsible for any damages you may suffer. This includes, but is not limited to loss of data resulting from delays, non-deliveries, or service interruptions caused by its own negligence or your errors or omissions.
- South Central Communications or other relevant authorities may determine inappropriate usage of the (se) account(s) and the privilege may be revoked at South Central Communication's discretion.
- You agree to the rates and billing procedures as set forth in the current versions of South Central Communication's rates. South Central Communications reserves the right to change the rates and otherwise modify this agreement upon 30 days notice to you. Use of South Central Communications Internet access after the effective date constitutes acceptance of the new terms and conditions.
- Any and all access to other networks via South Central Communication's Internet service must be in compliance with all policies and rules of those networks.
- South Central Communications Internet services were NOT set up nor intended for unsolicited email/fax/paging. Use of these services to send unsolicited email/fax/pages will result in immediate termination of your account, probable legal action and collection fees at \$50 dollars per incident and \$100 dollars per hour involved with resolution.
- Signature affirms that the above customer information is correct. Signature also gives South Central Communications authorization to perform a credit check using the Subscriber name and Social Security number provided above.

### South Central Communications Internet Service Agreement

- South Central Communications reserves the right to change these policies with out prior notice at any time. The actions we may take include account suspension or termination. We don't and will not issue any credits for accounts canceled due to policy violations. We reserve the right to refuse service to any one at any time for any reason.
- I agree to hold South Central Internet harmless from any and all liabilities and obligation arising from service outages and/or other service issues relating to my inability to access the Internet.
- INDIVIDUAL ACCOUNTS** - Individual accounts provide individual access to most South Central Communications services but does not allow for the selling or advertising of products or services using the world wide web, email solicitations, business mailing lists or Usenet news.
- BILLING** - South Central Communications bills for most services in advance. Any services offered on a credit basis are due within 30 days of service. Purchasers of South Central Communications Services agree and are bound by the Uniform Consumer Credit Code of the State of Utah. A service charge of 1 1/2 % per month will be charged on all past due accounts. If account is referred to collection, purchaser agrees to pay any and all collection costs incurred including attorney's fees, filing fees, and court fees. There will be a \$20.00 fee assessed on all returned check or credit card invoices.
- REFUND/ ACCOUNT TERMINATION** - Any customer whose account has been terminated is subject to a refund for the prepaid balance minus a \$10.00 processing fee. Accounts canceled by South Central Communications as a result of policy violation are NOT subject to a refund.
- SOFTWARE AND STORAGE USAGE** - South Central Communications reserves the right to remove any illegal, potentially damaging software or any other files that it deems as necessary. South Central Communications reserves the right to control what software may be run on our network and/or servers. Such software includes but is not limited to, software intended to harass or annoy, IRC bots, Usnets, "Spam", scanners or bulk mail software.
- TERM** - This Agreement is for a term of 12 months if equipment is purchased, 24 months if equipment is leased and shall automatically renew until terminated in accordance with this Agreement. After the initial term, the subscriber may terminate the agreement upon (30) days notice to South Central Communications. A cancellation fee may apply. South Central Communications may in its sole discretion terminate this agreement at any time. In the event South Central Communications terminates this agreement for reasons other than breach of this agreement by the subscriber, then South Central Communications shall provide (30) days notice to subscriber. Subscriber is liable under this Agreement for all fees and charges until such time as the Agreement has been terminated. A \$99 disconnect fee will be assessed to any account not completing one (1) year of uninterrupted service with purchased equipment. This fee is associated to and is not limited to temporary, requested, policy violation and non-pay disconnects. Accounts canceled by South Central Communications as a result of policy violation are NOT subject to a refund. A \$255 disconnect fee will be applied to rental customers who break their contract in the 1st year of their agreement and a \$165 disconnect fee will be applied to an contract that is disconnected in the 2nd year of the agreement.
- EQUIPMENT / INSTALLATION** - South Central is not responsible for any equipment failures due to and not limited to acts of nature, power surges and customer negligence. Name and or signature on account will be responsible for damages, fees and service down-time. Signature confirms that South Central Communications is not liable to any damages or inconveniences that may occur to property during installation or equipment removal. South Central Communications may require a gathering fee if equipment is not returned to South Central Communications.
- SPEEDS AND SERVICE** - South Central Communications does not guarantee any speed of service or transmission. Plan prices and speeds are for limit purposes and do not necessarily reflect the exact speed of transmission. Bandwidth restrictions apply: 6 gigabytes weekly for 1Mbps, 10 gigabytes weekly for 2Mbps & 15 gigabytes for 4Mbps plans. Accounts exceeding these limitations may be assessed a \$5 per gigabyte fee.

Signature: Dave Scott

Date: May 3, 2011 Paid at Activation:

**CEDAR CITY  
CITY COUNCIL AGENDA ITEM 7  
STAFF INFORMATION SHEET**

**TO:** Mayor and City Council

**FROM:** Kit Wareham

**DATE:** February 4, 2015

**SUBJECT:** Proposed Subdivision Ordinance Revisions

**INFORMATION:**

The current subdivision ordinance for Cedar City has been in place for nearly 20 years with very few revisions. As subdivisions have gone through the process in the past, the public, the Planning Commission, City Council and City staff have noted several items in the ordinance that could be improved. For nearly a year now City Staff has now gone through the ordinance and tried to address these items that could possibly be improved. The Planning Commission reviewed the proposed changes to the City's Subdivision Ordinance and made a recommendation to the City Council to make those changes. (See attached minutes)

Also attached is a summary of the proposed changes to the subdivision ordinance and a copy of the complete, revised subdivision ordinance. The proposed changes generally fall into the following categories:

- 1- Changes made to stream line the subdivision approval process;
- 2- Changes made to prevent problems during or after the construction of the subdivision's improvements;
- 3- Changes made to make the approval process more consistent for subdivisions and PUDs.

A presentation of the proposed changes to the City's subdivision ordinance has already been made to the Iron County Board of Realtors and Iron County Home Builders Association. Very few comments on the proposed changes were made from either of these groups.

If you have any questions or comments on the proposed changes, please give me a call.



**CEDAR CITY PLANNING COMMISSION**  
**MINUTES**

December 16, 2014

The Cedar City Planning Commission held a Meeting on Tuesday, December 16, 2014, at 5:15 p.m., in the Cedar City Council Chambers, 10 North Main, Cedar City, Utah.

Members in attendance: Chair- Kristie McMullin, Rich Gillette, Jill Peterson, Fred Rowley  
Members absent: - Mike Mitchell-excused, Kent Peterson-excused, Mary Pearson-excused  
Staff in attendance: Kit Wareham, Paul Bittmenn, Larry Palmer, Michal Adams  
Others in attendance: Joel Hansen

The meeting was called to order at 5:15p.m.

<b><u>ITEM/</u></b>	<b><u>LOCATION/PROJECT</u></b>	<b><u>APPLICANT/</u></b>
<b><u>REQUESTED MOTION</u></b>		<b><u>PRESENTER</u></b>

**I. Regular Items**

**1- Approval of Minutes (November 18, 2014)  
(Approval)**

**Rich moved to approve the minutes of November 18, 2014 seconded by Fred and the vote was unanimous.**

**II. Staff Items**

**1- Subdivision Ordinance – Revision**

**Kit Wareham**

Kit said it had been about 20 years since this ordinance had been revised. There have not been very many developments in the past few years but when there was lots of development they came across several things that needed to be addressed and improved in this ordinance. These items consist of two main things; streamlining the approval process to make it not so redundant, and making recommendations to modify things that will resolve issues that they have had in the past. He went over the asterisk items of his summary list (attached).

One is to divide minor lot subdivisions into simple and detailed. They have had 2 come thru recently that were required to improve the frontage on all lots. Those were in the industrial zone. They also had very long frontages. Examples are GAF and the one on Bulldog Road. He explained the differences and how they would be. Some with frontages over 200' would not be required to do those improvements until they pulled a building permit. They would need to be completed when they occupy the building. In other areas where most of the improvements are already in, it is a simple division. The State accommodates that these simple ones can be approved by staff. He is proposing that they do that on the basic ones. If there were any opposition within 300' of that property or if it had any problems, then they could consider it a detailed minor lot and take it through the process.

The next item would require testing money and management costs are included in the bounding. He is recommending 3% bonding for construction management and 1% for the testing. Fred asked what type of testing this would be. Kit said for things like trenching, compaction, asphalt, etc.

The next asterisk item talks about Planning Commission only approving the Vicinity plan of any subdivision or PUD. The current ordinance has you approving all 3 steps. Vicinity, Preliminary and Final Plat. You see this 3 times, and now you see a PUD 2 times. But with the ordinance changes, you will see a subdivision or PUD 1 time, recommend it to council for approval or with conditions of a park or trail, etc. The Council would see the Vicinity also and the Final Plat. There would still be a signature block on the Final Plat for the Planning Commission Chair but it would state that the PC approved the Vicinity plan of said subdivision.

The next item has wording that the City council will approve the vicinity of any subdivision and PUD where in the past all they saw was the Final Plat and could not say much once it was all done. If they wanted to see something change like a park or trail, it needs to be brought up in the beginning.

The next item would be how the preliminary plan process would be done by engineering staff. That is where they do all the construction drawings; they need to make sure all improvements are in accordance with the Engineering Standards. That is just an engineering function. They can cut out that step in the approval process. Some developers may push things a little bit, and do the preliminary items while they are also coming up with the final plat. Paul pointed out that it would not be presented to City Council until all the preliminary items were approved.

Next is a PUD item that would not allow for single-family homes except for a gated community. The only exceptions would be for those that already exist and have other phases coming that all would be contiguous and have the same home owners association.

Kristie asked about the difference in gates vs. ungated. Kit said they have never had complaints with the gated communities. They have had various problems in those that are single-family and ungated communities. That is what they are trying to avoid.

The PUD process has always been under the zoning ordinance and will now be moved to be included in the Subdivision ordinance where it belongs.

They are requesting that any lots with streets on both sides be required to designate which will be the front of the lot and put up a site obscuring fence along the rear lot line. Fred wondered why they are requiring this. Kit said they have had issues in the past, mostly when the rear was a major collector road. They don't want them accessing off that other street, and also, so others would not be looking directly into people's rear yards. He gave examples out in Cedar Meadows along Center Street and also along 1045 North where they City finally had to go in and do all those street improvements that were never done by the developer.

Next is an item where any development up against federal lands would be required to put in an access into that land. This would be for emergency vehicles and would not be an improved road, just an access.

Next, they would require off-site access into a development to be fully improved except for the sidewalks if that is owned by the developer. What this is saying is that if you have a road running

from a City street into your subdivision, you would develop the full width of that street with curb and gutter. If the developer does not own that land the access road is on, it would be the 26' width of asphalt like it is now.

Kit said that they would increase the minimum requirement for water pressure from 35 to 40 psi. They have had trouble when using that minimum pressure and it has been this way for 20 years. If you have an upper floor bathroom, there is not enough pressure. They have required many in the past to do 40 psi anyway.

Next they are recommending that a developer post a 10% warrantee bond to cover any warranted issues. In the past they have relied on the contractor's license that he will guarantee his work for 1 year. They have had problems in them not coming back to fix things. They then go to the developer. He says it was never in his bond so he does not have to cover it. This would require them to have that 10% bond to cover that 1 year warrantee period.

Next they would recommend that after they pay all application fees that they cannot do any construction improvements including clearing and grubbing until after the final plat is approved. They have had real issues with this in the past. They have been under pressure by developers to start building their subdivision before it is even approved. It comes before the City Council for final approval, they drive by the area, and it is all built. He gave an example of one phase of Ashdown Forest that was completely built and never approved. Fred asked about some land on Kittyhawk that has been all cleared. He was told that owner is using his land for parking. He is not developing it.

The last item is a large one; they are recommending that no building permit can be issued in a platted subdivision or PUD until all the City owned improvements are installed, and accepted. They have problems with larger subdivisions. It takes a long time to get them all completed. The developer wants to get the lots all sold, and once it is platted they can sell those lots. The people buy them and want to start building. You have problems when the subdivision is not finalized, a home is being built, you come in to do the final inspection of the improvements, and this one lot has cracked sidewalks, and is in a mess. You put all that on the developers punch list of things to do before the City will accept it. It was not the fault of the developer, but those that are building on that particular lot prior to the subdivision being accepted by the City. This would eliminate that problem.

Rich feels that all these items are great, will cut down the process and eliminate many problems.

**Fred made a motion to recommend to the City Council these subdivision ordinance changes. Seconded by Rich and the vote was unanimous.**

The meeting adjourned at 5:50 p.m.

---

Michal Adams, Administrative Assistant

CEDAR CITY  
Chapter 32  
Subdivision Ordinance Update Summary  
2014

(\* Indicates major change)

SECTION	Change Description
Index	Included page numbers in ordinance index for easier reference.
32-3	Required that all lot line adjustments, Minor lot subdivisions, Platted Subdivisions and PUDs come to Project Review Meeting as first step of process.
*32-6 Step 2	Divided minor lot subdivisions into simple and detailed minor lot subdivisions so that any required city improvements are installed before building occupancy with simple minor lot subdivisions and at time of subdivision for detailed minor lot subdivisions.
*32-5	Proposing subdivisions Lot and parcel boundary Line adjustments need only be approved by City Engineer or Planning Commission, not City Council. (Modified Definition of Lot Line Adjustment)
*32-6 Step 9, 32-7 Step 10 and 32-8 step 10	Require that testing and construction management costs be included in the improvement cost estimates for Detailed Minor lot subdivisions, Platted Subdivisions and PUDs.
32-7 and 32-8	Approval process for platted subdivisions and PUDs made the same.
32-7 Step 12 and 32-8 Step 6	Made consistent 2 year time limit from the approval of the vicinity plan, preliminary plan or construction drawings to the approval of the final plat in subdivisions or PUDs before having to restart to process.
*32-7 and 32-8(3)	Planning Commission now only approves the vicinity plan for platted subdivisions and PUDs
32-7 Step 12 (2) R	Planning Commission Chair Approval certificate for Platted Subdivisions and PUDs will refer to Planning Commissions Approval of the Vicinity Plan only.
*32-7 and 32-8(3)	City Council will now approve the vicinity plan for platted subdivisions and PUDs as well as the final plats as in the past.
*32-7 and 32-8(3)	Preliminary plans for platted subdivisions and PUDs will now only be approved by City Engineer as part of the approval of the engineering drawings.
32-7 step 13 and 32-8 step 13	All final plats for platted subdivisions and PUDs are to be an original <u>inked</u> mylar.
32-7 step 7	Soils report now required for detail minor lot subdivisions like platted subdivisions and PUDs.
*32-8 (2) (C)	PUDS will only allowed for attached residential town home and condominium developments, gated residential communities, commercial and industrial developments and for additional phases that are contiguous with existing detached single unit residential PUDs and in the same HOA. <b>PUDS will not be allowed for single family homes unless in a gated community.</b>
32-8	Moved the PUD approval process from Chapter 26 Zoning ordinance to Chapter 32 Subdivision ordinance since a PUD is a subdivision.
32-8 (4)(l)(6)	City can require that any street in a PUD be a City owned and maintained street built to city standards, if the street is needed for public access to adjoining property or a master planned City street.

32-9 (3) (K)	Street lights are required in all subdivisions unless prohibited by recorded CC&Rs.
*32-9 (3) (L)	Rear yard lot line fences are required on double fronted lots.
*32-9 (3) (m)	Wild land accesses, minimum 20 feet wide, can be required for Subdivisions and PUDs adjoining public wild land.
*32-9 (3) (n) (1)	Requires off site access through property owned by the subdivider or developer to be fully improved except sidewalks.
32-9 (3) (n) (1)	Requires off site access through property not owned by the subdivider or developer to be improved only with 26 feet of paved road.
32-9 (6)	Increased the minimum water pressure in a subdivision or PUD from 35 to 40 psi.
32-9 (8)	Required a 20 foot wide public utility easements (PUEs) along all streets fronting commercial and industrial lots.
*32-9 (10) ( B)	A 10% warrantee bond will be required for all detailed and platted subdivisions and residential PUDs to cover the one year warrantee period for all the city owned and maintained improvements.
*32-9 (13) (A)	After the application and fees are submitted for any Subdivision or PUD, the construction of improvements will be prohibited before final plat approval , this includes clearing and grubbing. The City will be allowed to assess a pre-plat construction fee at time of final plan approval per City's fee schedule (\$500 per lot suggested) if any construction is started before approval of the final plat.
32-9 (13) (B)	The City will call the subdivider's or developer's improvement bond if the City owned and maintained improvements in detailed minor lot subdivisions, platted subdivisions or PUDs, and common improvements in residential PUDs are not installed within 2 years after the date of the final plat approval.
32-9 (13) (C)	Improvements are to be installed on each lot in a simple minor lot subdivisions before an occupancy permit is issued on any building on the lot.
32-9 (13) ( D)	All common improvements serving a lot in a commercial or industrial PUD are to be installed before the occupancy permit is issued for the building on that lot.
*32-9 (13) ( E)	No building permit will be issued in a platted subdivision or Detailed minor lot subdivision until all City owned and maintained improvements are installed and accepted.
32-9 (19)(B)	Minor lots subdivisions and commercial and industrial PUDs are required to convey water, according to the City's Water Acquisition ordinance, at time of receiving a building permit for each lot.

## CHAPTER 32 SUBDIVISIONS

SECTION	TITLE	PAGE NO.
SECTION 32-1	Purpose of Ordinance	2
SECTION 32-2	Definitions	2
SECTION 32-3	Staff Sketch Review	3
SECTION 32-4	Subdivision and PUD Plats Required	3
SECTION 32-5	Lot Line Adjustments Approval Procedure	4
SECTION 32-6	Minor Lot Subdivision Approval Procedure (Less than 10 lots including the remainder parcel Not requiring a Plat).	7
SECTION 32-7	Platted Subdivision Approval Procedure (10 Lots or More)	13
SECTION 32-8	Planned Unit Developments (PUD)	21
	(1) Purpose	21
	(2) Uses	21
	(3) Approval Procedure	21
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## **SECTION 32-1. Purpose of Ordinance**

The underlying purpose and intent of this Ordinance is to promote the health, safety, convenience, and general welfare of the inhabitants of Cedar City, in the matter of the subdivision of land and related matters affected by such subdivision. This Ordinance is enacted for the further purpose of facilitating the orderly growth and development of the City; lessening congestion in the streets; preventing the over-crowding of land; avoiding undue concentration of population; securing economy in municipal expenditures; facilitating adequate provisions for transportation, water, sewage, schools, parks, and other public requirements; and stabilizing the value of property; increasing the security of home life; and in furtherance of the Municipal Land Use, Development and Management Act UCA 10-9a-101 et sec.

Condominiums are required to comply herewith and the Condominium Ownership Act UCA 57-8-1, et sec. In the event of a Planned Unit Development, compliance herewith is mandated.

## **SECTION 32-2. Definitions.**

For the purpose of this Ordinance, the following definitions shall apply:

**1. Arterial Street.** A street, existing or proposed, which serves or is intended to serve as an arterial traffic-way and is so designated on the Master Street Plan and further described in the Cedar City Engineering Standards.

**2. Available Sewer.** An existing City sewer main into which sewage from a proposed subdivision can drain.

**3. Collector Street.** A street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal traffic-way between large and separated areas or districts and which is the main means of access to an arterial street system. As shown on Cedar City's Streets Master Plan and further described in the Cedar City Engineering Standards.

**4. Easement.** A quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of land, is granted to the public or some particular person or part of the public.

**5. Final Plat.** A recorded plat of the land division, which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified. The Final Plat shall contain all information required by State Law and City ordinance.

**6. Intervening Property.** Property located between the existing city utilities and public service facilities, and the property under development.

**7. Local Street.** A street as defined by the Cedar City Engineering Standards, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to

serve the local needs of a neighborhood.

**8. Lot Line Adjustment.** The relocation of the lot line in a platted subdivision or a property line in an un-platted area that can be approved by the City Engineer if the proposed lot line adjustment complies with Section 32-5 (1).

**9. Metes & Bounds.** The description of a lot or parcel of land by courses and distances.

**10. On-Site Facilities.** Facilities installed in, under, or upon the public streets, or rights-of-way within or on the perimeter of the subdivision or development site.

**11. Off-Site Facilities.** Facilities designed or located so as to serve other property outside the boundaries of the subdivision.

**12. Oversize Facility.** Facilities with added capacity designed to serve other property outside the boundaries of the subdivision or development site.

**13. Preliminary Plat.** A map of a proposed land division which has been prepared in accordance with regulations herein prescribed.

**14. Subdivider/Developer:** A "Subdivider or Developer" is any person laying out or making a subdivision or Planned Unit Development (PUD) respectively as set forth above.

**15. Subdivision.** A subdivision and what is included and not included in a subdivision is as described in Title 10, Chapter 9a Section 103 (52) subsections (a), (b) and © of the Utah Code.

### **SECTION 32-3. Staff Sketch Review**

All types of Subdivisions, PUD's or lot line adjustment proposals shall be presented to the City's Staff Sketch Review Committee at the appropriate time before any City Council, City Planning Commission or City Staff approvals are obtained.

### **SECTION 32-4. Subdivision and PUD Plats Required.**

The owner or agent of the owner of any land in a subdivision or PUD, except for land located in a recorded subdivision, shall not transfer or sell any lots or lands without first preparing a Final Subdivision or PUD Plat, and having such Plat approved by the City Council, and recorded in the Office of the County Recorder, for each lot so transferred or sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from penalties outlined in Title 10, Chapter 9a Section 611 Subsection(2) (a), (b) and © of the Utah Code; provided, however, that in subdivisions of less than ten lots, land may be sold by metes and bounds without the necessity of recording a final plat, if all



of the following conditions contained herein are met:

- (1) The subdivision layout shall have first been approved by the Planning Commission;
- (2) The subdivision is not traversed by the mapped lines of a proposed street as shown on the Master Plan of Cedar City streets and does not require the dedication of any land for street or other public purposes; and
- (3) Each lot in the subdivision meets the frontage, width and area requirements of the Zoning Ordinance, or has been granted a variance from such requirements by the Board of Adjustments.

#### **SECTION 32-5 Lot Line Adjustments Approval Procedure**

- (1) Lot line adjustments may be approved by the City Planning Commission if they comply with items (A) through (F) below. Lot line adjustments may be approved by the City Engineer if they comply with all items (A) through (G) below:
  - (A) no more than three (3) lots are affected by the lot line adjustment;
  - (B) no City streets or easements are affected by the lot line adjustment;
  - (C) no City street dedications or easement dedications are required by the lot line adjustment;
  - (D) no public infrastructure or improvements are required to be constructed and/or dedicated to the City;
  - (E) no land area is being added to the original total land area of the combined parcels or the total area of the combined platted lots affected by the lot line adjustment;
  - (F) all City zoning ordinances are complied with; and
  - (G) the proposed lot line adjustment is not contested by any property owner included in the proposed lot line adjustment or any property owner who was required to receive a notice according to this section.
- (2) Prior to the City approving a lot line adjustment the City Engineer shall receive the following:
  - (A) a record of survey showing:
    - (1) proper scale;

- (2) title block depicting the survey name, location, name of the engineer/surveyor, the date, the scale, and the sheet number;
  - (3) a north arrow;
  - (4) Certificates, legal description, etc.
    - (a) the surveyor's certification and stamp;
    - (b) the property legal description depicting boundaries, lots, parcels, easements, etc.;
    - (c) survey narrative;
    - (d) basis of bearings/elevations;
    - (e) city zone;
    - (f) FEMA flood zone;
    - (g) soils area;
    - (h) legend with survey monuments, signs, fire hydrants, and other relevant data;
    - (i) City Engineer's approval certificate;
    - (j) when deemed necessary by the City Engineer approvals from utilities;
    - (k) vicinity map;
    - (l) a map showing an existing layout of the affected area showing lot lines, lot numbers, lot or parcel addresses, street lines, street numbers, and the location and types of existing easements;
    - (m) a map showing the proposed lot modifications showing lot lines, lot line distances, line bearings, legal description, closure, lot areas, lot frontages, lot numbers, and the identity of adjacent owners;
- (B) Final signed deeds showing:
- (1) grantor's name and address;
  - (2) grantor's notarized signature;

- (3) grantee's name and address;
  - (4) parcel/lot legal description with reference to the plat being amended;
  - (5) parcel/lot legal description matching the record of survey;
  - (6) closure of the legal description; and
  - (7) deed restriction, if any.
- (3) At least 14 days prior to the City making the decision to approve a lot line adjustment a public notice shall be provided as follows:
- (A) Notice shall state the following:  
A lot line adjustment is being proposed on a property within 300-feet of your property. The exact location and details of the proposed lot line adjustment are shown on the enclosed drawing(s). (Include 11" X 17" copies of the required record of survey maps). Objections to the proposed lot line adjustment will be received by the City Engineer until 5:00 p.m. on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (specify date). If no objections are received by the specified date and time the matter will be approved by the City Engineer without further public process. If an objection is received by set date the City Engineer will schedule the matter for the public meeting of the Cedar City Planning Commission for their review and possible approval.
  - (B) Notice shall be delivered as follows:  
The notice by the Applicant shall be given to all property owners of record within a 300 foot radius from the boundary of the proposed lot line adjustment. Notice shall be sent certified mail by the Applicant to said property owners, or hand-delivered to the property owners (certificate of hand-delivery to be filed with City Engineer) in accordance with the most current Iron County Assessment Roll.
- (4) Prior to the City Planning Commission Chair or City Engineer signing the approved record of survey, and stamping and signing the deeds, the City Engineer shall collect the filing fee and plat checking fee at a rate to be set by the City's consolidated fee schedule.
- (5) Once the Planning Commission Chair or City Engineer has signed the record of survey and stamped and signed the deeds, the lot line adjustment shall be deemed approved. The approval shall be valid as provided by the provisions of this ordinance. The deeds and record of survey shall be returned to either the title company or the applicant for recording with the Iron County Surveyor and Iron County Recorder.
- (6) A lot line adjustment shall not require compliance with the following provisions of this ordinance; bonding, submission of as-built and/or construction drawings, inspections, soils testing, water pressure minimums, and required improvements.

**SECTION 32-6. Minor Lot Subdivision Approval Procedure (Less than 10 lots including the remainder parcel, not requiring a Plat ).**

**Step 1.**     Discuss Proposed Subdivision with City Engineer. Any person wishing to subdivide within Cedar City, Utah, shall secure from the City Engineer information pertaining to the City's plan of streets, sewer, water, drainage, parks, trails, zoning, subdivision of lands, other master plan requirements affecting the land to be subdivided and the required water conveyance to the City according to Section 32-9-19. Subdivider shall also be informed that multiple, contiguous minor lot subdivisions shall not be allowed.

**Step 2.**     Determine the type of minor lot subdivision and requirements. There are two (2) types of minor lot subdivision, a simple minor lot subdivision and a detailed minor lot subdivision as defined below:

(1)     Simple minor lot subdivisions shall consist of the minor lot subdivisions where the minor lot subdivision meets one or more of the following criteria:

(A) The subdivision is in a residential zone and all lots front a dedicated public street that is completely improved with curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, but may not have sewer and water service laterals, and there are less than (10) lots including the remainder parcel:

(B) The subdivision is in an industrial or commercial zone and all lots that front a dedicated public street, the street is completely improved with curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, but may not have sewer and water service laterals, and there are less than (10) lots including the remainder parcel:

(C) The subdivision is in an industrial or commercial zone and all lot frontages along unimproved dedicated public streets are more than two hundred (200) feet and there are less than (10) lots including the remainder parcel.

(2)     Detailed minor lot subdivisions shall consists of those minor lot subdivisions where:

(A) The subdivision is in a residential zone and one or more of the lot frontages is not completely improved with required curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, and there are less than (10) lots including the remainder parcel:

(B) The subdivision is in an industrial or commercial zone and one or more of the lots that front a dedicated public street that is not completely improved with required curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains and there are less than (10) lots including the remainder parcel:

(C) The subdivision is in an industrial or commercial zone and one or more of the lot frontages along unimproved dedicated public streets are less than two hundred (200) feet and there are less than (10) lots including the remainder parcel.

**Step 3.**

**Vicinity Plan.** For both simple and detailed minor lot subdivisions the subdivider shall then prepare a Vicinity Plan at a scale of not smaller than 1 inch = 100 feet, and shall submit a copy of the same to the City Engineer. The vicinity Plan shall show:

- (1) A small map showing the location of the subdivision in relation to existing City roads and recognizable landmarks;
- (2) The general layout and numbering of the lots and remaining parcel within the area to be subdivided and how the lots connect with existing adjoining streets and lots;
- (3) The lot frontages (in lineal feet) and areas (in square feet) of the lots within the subdivision;
- (4) The location of existing and proposed main water lines, main sewer lines, and storm drain facilities within the land to be subdivided and the adjoining existing streets;
- (5) The locations of existing building(s) on the property being subdivided;
- (6) A title block containing the subdivision name, subdivider's name and the name, address, and phone number of the subdivider's engineer;
- (7) City zoning designation and boundaries within the subdivision;
- (8) FEMA flood zone designation and boundaries within the subdivision;
- (9) soils area designation;
- (10) survey monuments;
- (11) names of the adjacent property owners;

- Step 4.**      Vicinity Plan City Engineer Approval. For both simple and detailed minor lot subdivisions the City Engineering Staff shall Review and Approve the Vicinity Plan before submitting to the Planning Commission for review.
- Step 5.**      File Planning Commission Application and Fees. For both simple and detailed minor lot subdivisions the subdivider shall submit an application to the City Engineer and pay the applicable Planning Commission and filing fees according to the City's adopted fee schedule. Pursuant to the provisions of Title 10, Chapter 9a Section 509 of the Utah Code, upon submission of a complete application and payment of filing fees the Subdivider or Developer is entitled to substantive review of their application under the land use laws currently in effect.
- Step 6.**      Vicinity Plan Planning Commission Approval. For both simple and detailed minor lot subdivisions the Planning Commission shall review and approve the vicinity plan or approve it subject to changes or alterations. Whenever final approval has been obtained from the Planning Commission the Vicinity Plan approval shall remain effective for a period of Two (2) years.
- Step 7.**      Soil Report Approval and Compliance (only required for detailed minor lots subdivision). See Section 32-9(1).
- Step 8.**      Engineering Drawings (only required for detailed minor lots subdivision). See Section 32-9(4)
- Step 9.**      Improvement Cost Estimate (only required for detailed minor lots subdivision). The subdivider shall prepare and submit to the City Engineer an improvement cost estimate for all improvements shown on the engineering drawings including a 3% markup for Construction Management and a 0.5% markup for testing.
- Step 10.**     City Engineer's Approval of the Engineering Drawings and Cost Estimate (only required for detailed minor lots subdivision). The City Engineer shall review and approve, or recommend changes consistent with City ordinances and adopted standards, to the proposed detailed minor lot subdivision's engineering drawings, soils report, design study reports and improvement cost estimate.
- Step 11.**     Minor Lot Subdivision Final Plan and Deeds. Upon receiving the Planning Commission's approval of the Vicinity Plan for both simple and detailed minor lot subdivision and the City Engineer's approval of the engineering drawings, soils report, design study reports and improvement cost estimate for a detailed minor lot subdivision, the subdivider shall prepare and submit to the City Engineer one copy of the Final Plan and Deeds both in hard copy and electronic PDF format. Failure to submit a Final Plan within two (2) years of the date of approval of the Vicinity Plan shall terminate all proceedings and render all approval of the Vicinity Plan and Engineering drawings null and void.

The following information shall be submitted as part of the Final Plan:

- (1) A Final Plan shall be in the form of a Record of Survey that shall contain the following information:
  - (A) The location of the subdivision in relation to existing City streets and recognizable landmarks;
  - (B) The layout of streets and lots within the area to be subdivided and how those streets and lots connect with existing streets within the subdivision including;
    - (1) centerline bearings;
    - (2) curve data;
    - (3) widths;
    - (4) street names and/or street numbers;
    - (5) section corner tie;
    - (6) right-of-way markers on state roads;
    - (7) centerline monuments;
    - (8) set and/or found corners; and
    - (9) other such information that may be necessary to fully and fairly describe the road;
  - (C) parcel information for both new and remaining parcels including, but not limited to the following:
    - (1) distances;
    - (2) bearings;
    - (3) legal description;
    - (4) closure of the parcels;
    - (5) the square footage of each parcel;

- (6) the frontage length of each lot along a dedicated City Street;
- (7) parcel numbers; and
- (8) other similar information related to the subdivision of the parcel;
- (9) parcel addresses;
- (D) detailed information including distances, monument tie, parcel line tie, bearings, and boundaries for the airport overlay zone;
- (E) The relationship of existing and planned streets within 200 feet from the outside boundaries of the entire subdivision;
- (F) The locations and sizes of the main water lines, main sewer lines, and storm drain facilities within the subdivision and within 200 feet of the boundary of the subdivision;
- (G) The location of any proposed and existing parks, open space, and trails within the land to be subdivided;
- (H) A title block containing the subdivider's name and the name, address, and phone number of the subdivider's engineer;
- (I) Surveyor's stamp and certification;
- (J) legal descriptions of the boundary and each parcel;
- (K) survey narrative;
- (L) basis of bearings, monuments, and elevations;
- (M) City zoning designation and boundaries within the subdivision;
- (N) FEMA flood zone designation and boundaries within the subdivision;
- (O) soils area designation;
- (P) survey monuments;
- (Q) if required, a certificate showing the acknowledgment and approval of the Electric Company, Gas Company, Telephone Company, Cable Company, and other private providers of public utilities;



- (R) City Engineer's approval certificate;
- (S) City Attorney's approval certificate (Detailed Minor Lot Subdivisions only);
- (T) a certificate for the Planning Commission's approval;
- (U) show the building(s) existing on the property, and describe how these buildings(s) meet the following:
  - (1) structural independence;
  - (2) separate water service;
  - (3) separate sewer service;
  - (4) required setbacks;
  - (5) required parking;
  - (6) fencing;
  - (7) landscape, curb, gutter, and sidewalk; and
  - (8) any other requirement that may apply to the subdivision.
- (V) list the names of the adjacent property owners;
- (2) Signed and notarized recordable deeds necessary to transfer title to all lots and any easements associated with the minor lot subdivision.

**Step 12.** Final Plan and Deeds City Surveyor's Review. For both simple and detailed minor lot subdivisions the City Surveyor shall check the final plan and deeds for accuracy and completeness. The corrected final plan shall then be a plotted original on 24" X 36" mylar signed and stamped by the Surveyor and signed by all utilities if required, and then given to the City Engineer for his/her approval and signature.

**Step 13.** Performance Bonding and Fees (only required for detailed minor lot subdivisions). See Section 32-9(10 & 11)

**Step 14.** Filing Fee Collection by the City Engineer (only required for simple minor lot subdivisions) Upon receiving the filing fees and approving the final plan and signed and notarized deeds the City Engineer shall schedule simple minor lot subdivisions for review and approval by the Planning Commission.

**Step 15.**     Bonding and Fee Collection by the City Attorney (only required for detailed minor lots subdivision). Upon receiving the final plan, signed and notarized deeds, bond estimate and accrued review fees from the City Engineer for detailed minor lot subdivisions only, the City Attorney shall collect the required bonding amount, signed bond agreement and required fees and schedule the detailed minor lot subdivision for review and approval by the Planning Commission.

**Step 16.**     Minor Lot Subdivision Planning Commission Approval. Upon reviewing the final plan and deeds for a simple or detailed minor lot subdivision, the Planning Commission shall review and approve or disapprove the layout of the subdivision, or approve it subject to change or alteration. If the minor lot subdivision is approved, the record of survey shall be signed by the Planning Commission chairperson. Any deeds for the minor lot subdivision shall be stamped and signed by the Planning Commission chair. The record of survey shall be filed with the Iron County Engineering and Surveying office. The deeds shall be recorded with the Iron County Recorder. All recording shall be completed by the Subdivider.

#### **SECTION 32-7. Platted Subdivision Approval Procedure (10 Lots or More)**

**Step 1.**     Discuss Proposed Subdivision with City Staff. Any person wishing to subdivide land within Cedar City, which requires the submission of a Final Plat, the subdivider shall secure from the City Engineer information pertaining to the City's plan of streets, sewer, water, drainage, parks, trails, zoning, subdivision of land and other Master Plan requirements and the required water right conveyance to the City according to Section 32-9-19.

**Step 2.**     Vicinity Plan. The subdivider shall then prepare a Vicinity Plan at a scale of not smaller than 1 inch = 100 feet, and shall submit one (1) copy of the same to the City Engineer. The vicinity Plan shall show:

- (1)     A small map showing the location of the subdivision in relation to existing City roads and recognizable landmarks;
- (2)     The general layout of streets and lots within the area to be subdivided and how the streets and lots connect with existing or proposed streets and lots within all phases of the subdivision;
- (3)     The lot frontages (in lineal feet) and areas (in square feet) of the lots within the subdivision;
- (4)     The relationship of existing and master planned streets within 500 feet from the outside boundaries of the entire subdivision;

- (5) The location of existing and proposed main water lines, main sewer lines, and storm drain facilities within the land to be subdivided;
- (6) The relationship of the main water lines, main sewer lines, and storm drain facilities to those existing or proposed main water lines, main sewer lines, and storm drain facilities within all phases of the subdivision;
- (7) The location of existing or proposed master planned main water lines, main sewer lines, and storm drain facilities within 500 feet from the outside boundaries of the entire subdivision;
- (8) The location of any existing and proposed and master planned parks, open space, and trails within the land to be subdivided;
- (9) Elevation contours at 2-foot intervals on NGVD 1929 Datum.
- (10) A title block containing the subdivision name, subdivider's name and the name, address, and phone number of the subdivider's engineer;
- (11) City zoning designation and boundaries within the subdivision;
- (12) FEMA flood zone designation and boundaries within the subdivision;
- (13) soils area designation;
- (14) survey monuments;
- (15) list of names of the adjacent property owners on their property;

**Step 3.** Vicinity Plan City Engineer Approval. The City Engineering Staff shall review; or recommend changes consistent with adopted City ordinances, engineering standards and City master plans; and approve the Vicinity Plan before submitting to the Planning Commission for review.

**Step 4.** File Planning Commission Application and Fees. Submit application to the City Engineer and pay the applicable Planning Commission and filing fees according to the City's adopted fee schedule. Pursuant to the provisions of Title 10, Chapter 9a Section 509 of the Utah Code, upon submission of a complete application and payment of filing fees the Subdivider or Developer is entitled to substantive review of their application under the land use laws currently in effect.

**Step 5.** Vicinity Plan Planning Commission Approval. The Planning Commission shall review and give a positive or negative recommendation of the vicinity plan or recommend it to the City Council subject to changes or alterations. Where a

subdivider owns or controls more land than is desired to be developed immediately, the Planning Commission or City Council may require that a Vicinity Plan of the whole area or a portion thereof be submitted, in which case the subdivider shall indicate on the Vicinity Plan the portion to be developed immediately, and the portion to be held for future development.

**Step 6.**      **Vicinity Plan City Council Approval.** Upon receiving the Planning Commission's recommendation the Vicinity Plan shall be submitted to the City Council. The City Council may approve or disapprove the Vicinity Plan, or approve it subject to changes and alterations. Failure to submit a Final Plat within two (2) years of the date of approval of the Vicinity Plan shall terminate all proceedings and render all approval of the Vicinity Plan null and void.

**Step 7.**      **Preliminary Plan.** Upon approval of the Vicinity Plan by the City Council, the subdivider shall prepare a Preliminary Plan of the subdivision and shall submit one (1) copy of the same for review and approval to the City Engineer. The preliminary plan shall include the following information;

- (1)      a title block containing:
  - (A)      the name of the subdivision;
  - (B)      the location of the subdivision;
  - (C)      the date;
  - (D)      the scale;
  - (E)      the name of the engineer and/or surveyor;
  - (F)      sheet number;
- (2)      a north arrow;
- (3)      the subdivision boundary with length and bearings;
- (4)      section tie including;
  - (A)      monuments;
  - (B)      line bearing/lengths;
  - (C)      basis of bearings;

- (5) adjacent owner names;
- (6) names and widths of existing streets within 200 feet of the subdivision;
- (7) existing culverts, channels, and basins;
- (8) City zoning designation and boundaries within the subdivision;
- (9) FEMA flood zones including zone designations, zone boundaries within the subdivision and flood elevations in NAVD 1929 datum;
- (10) existing contours at 2 foot intervals;
- (11) existing waterlines, valves, hydrants, and sizes within 200 feet;
- (12) existing sewer lines, sizes, flow direction, and manholes within 200 feet;
- (13) existing buildings within the subdivision;
- (14) existing easements;
- (15) proposed streets inside and outside the subdivision including:
  - (A) name and/or number (no duplicates with streets within Iron County);
  - (B) length and bearings;
  - (C) widths;
  - (D) intersection fillets;
- (16) proposed water mains, locations, sizes, valving, and fire hydrants inside and outside the subdivision;
- (17) proposed sewer lines, location, sizes, manholes inside and outside the subdivision;
- (18) proposed drainage system, line location, line sizes, manholes, curb inlets/outlets, channels and basins within or adjacent to the subdivision;
- (19) property easements for gas, water, sewer, phone, fiber, avigation, off-site utilities, and trails within the subdivision;

- (20) lot information including border lines (lengths and bearings), lot numbers, lot areas in square footage and lot frontage lengths;
- (21) location map;

**Step 8.** Soil Testing and Report Approval. See Section 32-9(1).

**Step 9.** Engineering Drawings - See Section 32-9(4)

**Step 10.** Improvement Costs Estimate. The subdivider shall prepare and submit to the City Engineer an improvement cost estimate for all improvements shown on the engineering drawings including a 3% markup for Construction Management and a 0.5% markup for testing.

**Step 11.** Preliminary Plan and Engineering Drawings City Engineer Approval. The City Engineer shall review; or recommend changes consistent with adopted City ordinances, engineering standards and City master plans; and approve the proposed Subdivision's Preliminary plan, Engineering drawing, soils report, design study reports and improvement cost estimate.

**Step 12.** Final Plat. Once a submitted preliminary plan, engineering drawings, soils reports, design study reports and the improvement cost estimate have been checked and approved by the City Engineer the subdivision can proceed with the Final Plat process. The subdivider shall then prepare and submit a copy of the final plat of the subdivision to the City Engineer. Failure to submit a Final Plat within two (2) years of the date of approval of the Vicinity Plan, and/or Engineering drawings, whichever is later, shall terminate all proceedings and render all approval of the Vicinity Plan, preliminary plan and Engineering drawings null and void.

The following information shall be submitted with the final plat:

- (1) A title report showing all water rights within the last 3 years that show the property as the point of use.
- (2) The final plat shall contain the following information:
  - (A) title block including the subdivision name, subdivision location, date, scale, the identity and contact information for the engineer/ surveyor, and sheet numbering;
  - (B) a north arrow;

- (C) boundary legal description matching the preliminary plan that closes, and the total subdivision area expressed in terms of acres;
- (D) section ties including monuments, line bearing/length, and basis of bearing;
- (E) existing and platted streets including street names, street widths, and center line monuments;
- (F) existing and proposed occupation (fence) lines;
- (G) existing easements;
- (H) proposed street information including names and/or numbers, length/bearings, width, curve numbers and data table;
- (I) proposed easement information including location of all utility easements (utility easements include but are not limited to gas, water, sewer, phone, cable, fiber), location of mail boxes, size of easements, and all off-site easements;
- (J) lot information including border lines, lengths/bearings, numbers, areas expressed in both acres and square feet, addresses;
- (K) a vicinity map;
- (L) the airport overlay zone;
- (M) airport aviation easements in any approach zone including the boundary of the easement, the bearings/distance of the easement, monument ties, and lot line ties;
- (N) if applicable, twin home lot division line;
- (O) FEMA flood zones including zone designations, zone boundaries and flood elevations in NAVD 1929 datum;
- (P) a soils notice stating words to the effect that a soils report has been required for the subdivision and that a copy of the report is available for review and inspection at the offices of the City Engineer;
- (Q) insufficient sewer depth note;



(R) Other such information that is reasonable in the City Engineer's opinion based on adopted City ordinances, engineering standards and City master plans and the unique aspects of the subdivision.

(Q) approval certificates for the following:

(1) all utility companies (utility companies include but are not limited to gas, electric, telephone, cable television, post office, and fiber);

(2) surveyor;

(3) notarized owner's signature and dedication;

(4) City Engineer;

(5) City Attorney;

(6) Planning Commission Chairperson (referencing the Planning Commission's approval of the vicinity plan);

(7) Mayor;

(8) City Recorder; and

(9) County Recorder.

**Step 13.**

City Engineer's Approval. The City Surveyor and Engineer shall check the final plat copies for accuracy and completeness, and shall determine the amount of bond or other performance guarantee, which shall be based upon the estimate of the cost of supplying and installing the required improvements as provided by the subdivider's Engineer. The City Engineer shall calculate the City fees to be paid, and the required amount of water that needs to be conveyed to the City necessary to comply with the City's water acquisition ordinance prior to final plat approval. The corrected final plat shall then be a plotted inked original on 24" X 36" mylar signed and stamped by the Surveyor and signed and notarized by the owners, and signed by all utilities and then given to the City Engineer for his/her approval and signature. Upon calculation and/or approval of the bond amount, required City fees and water conveyance quantity the City Engineer shall forward all information to the City Attorney for collection and the scheduling of the matter for City Council review.

**Step 14.**

Performance Bond, Fees, Title Report, Bond Agreement, Reimbursement Agreement, CC&R's, Water Conveyance, and other matters.

Upon the City Attorney receiving the Final Plat and other information from the City Engineer the subdivider shall provide the following to the City Attorney for review and approval prior to the City Attorney scheduling the matter for Final Plat approval by the City Council:

- (1) Performance bonding as described in Section 32-9(10) guaranteeing the required improvements will be installed and paid for without cost to the City;
- (2) A title report. The title report is to be reviewed to verify ownership, taxes, including green belt roll back taxes, and special improvement district assessments are current, and to examine the liens that are on the property. All ownership in the title report must match the ownership on the plat. All taxes, including green belt roll back taxes, and special improvement assessments must be current;
- (3) Payment of all fees owed to the City pursuant to the City's adopted fee schedule. The fees shall include but not be limited to Planning Commission filing fee, plat and plan checking fees, pre-plat approval construction fees, utility line reimbursement fees, lift station up-grade fees, recording fees, inspection fees and water assessment fees;
- (4) If requested by the subdivider, an off-site utility extension reimbursement agreement shall be prepared by the City Attorney and signed by the subdivider;
- (5) Documentation of all conveyances of water rights to the City according to Section 32-9-19;
- (6) Original CC&R's ready for recording as deemed necessary by the City;
- (7) All outstanding matters must be completed prior to scheduling for City Council approval. These matters include but are not limited to the matters described above, Attorney letters certifying compliance with the Utah Condominium Act, verification of original deeds for easements, and any other matter that is required by the subdivision of the land.

**Step 15.** Final Plat Must Be Approved or Disapproved by City Council. After approved by the City Engineer and City Attorney, whichever approval is later, the Final Plat must be approved or disapproved by the City Council within 60 days of such approval. Upon approval of the Final Plat by the City Council, the City shall submit the Final

Plat Mylar to the County Recorder for recording. All Final Plats must be recorded in the office of the Iron County Recorder not more than 30 days from the date of approval of the Final Plat by the City Council. A final Plat of any subdivision which is not recorded within 30 days from the date of approval of the City Council shall be null and void unless a longer period of time is approved by the City Council. Recordation of the Final Plat shall be deemed as acceptance of the dedication of any street, public way or ground.

#### **SECTION 32-8. Planned Unit Developments (PUD).**

- (1) **Purpose.** The purpose of the Planned Unit Development (PUD) is to allow for flexible and efficient utilization of land in residential, industrial and commercial developments (consolidation of open spaces, clustering of dwelling units and efficient use of public facilities). It is intended that a PUD create attractive and desirable environments.
- (2) **Uses.**
  - (A) PUD's shall be utilized in the process of annexing developed property where said development does not meet City Engineering Standards; in such case, the City reserves the right to require conversion of such developed property to a PUD as a condition of annexation.
  - (B) PUD's may be allowed in residential, commercial and industrial zones, and the PUD development plan shall become supplementary to the provisions of the zone in which the PUD is located.
  - (C) PUD's shall only be developed as residential attached town home and condominium developments, gated single and multi unit residential communities and commercial and industrial developments. Un-gated single unit housing developments shall not be allowed to develop as a PUD except for additional phases that are contiguous with and part of an existing PUD or to facilitate the annexation of developed property where the City owned and maintained improvements do not meet Cedar City Engineering Standards.
  - (D) Uses permitted in the PUD shall be limited to those uses permitted in the zone in which the PUD is allowed.
  - (E) Conversion of existing buildings to a PUD shall conform to existing building codes and the provisions of this chapter.
- (3) **Approval Procedure.** The following is the procedure for PUD approval with specifics for each step set forth:

- Step 1.**      **Discuss Proposed PUD with City Engineer:** Any person wishing to develop a PUD within Cedar City shall secure from the City Engineer information pertaining to the City's plan of streets, parks, drainage, zoning, subdivision of land, and other Master Plan requirements affecting the land.
- Step 2.**      **File Planning Commission Application and Fees:** The filing fee required for a PUD is per the City's adopted fee schedule and shall be submitted with the Planning Commission application. Pursuant to the provisions of Title 10, Chapter 9a Section 509 of the Utah Code, upon submission of a complete application and payment of filing fees the City will consider the Subdivider or Developer entitled to substantive review of their application under the land use laws currently in effect.
- Step 3.**      **Vicinity Plan:** The developer shall prepare a Vicinity Plan of the PUD and present the same to the City Engineer. The Vicinity Plan shall be drawn to a scale not smaller than 60 feet to the inch, and shall be on standard 24" X 36" paper. Each sheet of the Plan shall contain the scale of the drawing, the sheet number and an arrow indicating north. The Vicinity Plan shall also contain the following information:
- (1)      The proposed name of the development;
  - (2)      Where the submitted plan covers only a part of the development's tract, or is part of a larger vacant area, the plan shall show the location of the development as it forms part of a larger tract. In such case, a sketch of the prospective street system of the remaining area shall be submitted;
  - (3)      A vicinity map containing sufficient information to accurately locate the property shown on the vicinity map;
  - (4)      The names and addresses of the owner(s), the developer, the engineer and surveyor of the development;
  - (5)      The boundary lines of the tract to be developed;
  - (6)      City zoning designation and boundaries within the PUD;
  - (7)      FEMA flood zone designation and boundaries within the PUD;
  - (8)      The unit or lot dimensions and square footage of each unit or lot;
  - (9)      Existing curbs, gutters, sidewalks, sanitary sewers and manholes, storm drains and manholes, water supply main valves, culverts, and fire hydrants within the tract or within 200 feet of the proposed PUD (the dimensions of all such improvements shall also be indicated);

- (10) The location, width and other dimensions of proposed curbs, gutters, sidewalks, streets, easements, parks, and other open spaces, and designation of any land to be dedicated to the City;
- (11) The location of all existing or recorded streets, alleys and easements, water courses, ditches, public utilities and other important features, and existing structures within the development or within 200 feet thereof, and the location and distance to the nearest existing bench mark or monument and section line;
- (12) Boundary lines of adjacent tracts of land, showing ownership and property monuments;
- (13) A tabulation of each proposed use by acreage and its percentage of the total acreage;
- (14) Parks, playgrounds, common areas and facilities, and other appurtenances within the PUD;
- (15) Location of all dwellings and other structures within the development, the common areas, and other areas of private ownership;
- (16) The following shall also be submitted with the Vicinity Plan:
  - (A) Any request for proposed zone change if necessary;
  - (B) An overall Project Analysis describing the concepts the developer proposes to implement with the project development, including but not limited to:
    - (1) An expected buyer profile, including selling price range of units.
    - (2) Project description indicating the general configuration for the project (i.e., single family, townhouses, condominiums, etc.) with the proposed plan for landscaping, mailboxes, street lighting, and walkways.
    - (3) Proposed budget for common area amenities and landscaping, and infrastructure, including construction, as well as operations and maintenance projections; and

- (4) Project construction phasing and time schedule, for infrastructure; landscaping, buildings, amenities, etc.
- (C) Identification of all variations to the development standards of the underlying zone, including, but not limited to:
  - (1) Road widths and street setbacks, according to City Standards.
  - (2) Location of buildings and structure or front, side, and rear yard setback requirements;
  - (3) Lot area requirement (lot size and width);
  - (4) Building sizes (minimum and/or maximum ground floor and multi-level); and,
  - (5) Building heights (maximum); and
  - (6) Supplementary regulations or special provisions.

**Step 4.**

**Public Notification:** Any application for a PUD must comply with the following notice requirements 48-hours prior to the Planning Commission Work Meeting for the Vicinity Plan:

- (1) Notice by the Petitioner shall be given to all property owners of record within a 300-foot radius from the boundary of the proposed PUD. Said notice shall be sent certified mail by the Petitioner to said property owners, or hand-delivered to the property owners (certificate of hand-delivery to be filed with City Engineer) in accordance with the most current Iron County Assessment Roll;
- (2) The posting of a sign(s) by the City on the proposed PUD site. The sign(s) shall be posted in a conspicuous place at all points where City Streets intersect, within 10-feet of the street right-of-way line. The sign(s) shall be at least 24 inches square and be labeled with 2-inch high letters reading "PROPOSED PLANNED UNIT DEVELOPMENT" with the PUD notice stapled below, and;
- (3) When reviewing the Vicinity Plan of a PUD the Planning Commission shall hold a public hearing (requiring appropriate notice and advertizing) before submitting recommendations to the City Council.

**Step 5.**      Vicinity Plan Planning Commission Recommendation: After approval by the City Engineer, the Planning Commission shall review and recommend or not recommend the PUD Vicinity Plan to the City Council, or recommend it subject to changes or alterations. The Planning Commission may recommend in concept the Vicinity Plan provided they find:

- (1)      That the proposed development will provide an environment at least as attractive as would be provided by a conventional development established under the application of the provisions of the underlying zone;
- (2)      That the PUD project will provide efficient use of the land and useable open space as outlined in this chapter;
- (3)      Before the Planning Commission meeting the developer shall also present the Vicinity Plan of the PUD to the City Sketch Review Board for their comments, with said comments reported to the Planning Commission;
- (4)      That any variation allowed from the development standards of the underlying zones are clearly identified and do not create unreasonable hazards to the health, safety and general welfare of the residents of the proposed PUD and adjacent areas.

**Step 6.**      Vicinity Plan City Council Approval. Upon receiving the Planning Commission's recommendation the Vicinity Plan shall be submitted to the City Council. The City Council may approve or disapprove the Vicinity Plan, or approve it subject to changes and alterations. Failure to submit a Final Plat of the PUD within two (2) years of the date of approval of the Vicinity Plan shall terminate all proceedings and render all approval of the Vicinity Plan null and void. Where a developer owns or controls more land than is desired to be developed immediately, the Planning Commission or City Council may require that a Vicinity Plan of the whole area or a portion thereof be submitted, in which case the developer shall indicate on the Vicinity Plan the portion to be developed immediately, and the portion to be held for future development.

**Step 7.**      Preliminary Plan. Upon approval of the Vicinity Plan by the City Council, the Developer shall prepare a Preliminary Plan of the PUD and shall submit two (2) copies of the same for review and approval to the City Engineer. The preliminary plan shall include the following information;

- (1)      a title block containing:
  - (A)      the name of the PUD;
  - (B)      the location of the PUD;



- (C) the date;
  - (D) the scale;
  - (E) the name of the engineer and/or surveyor;
  - (F) sheet number;
- (2) a north arrow;
- (3) the PUD boundary with length and bearings.
- (4) section tie including;
  - (A) monuments;
  - (B) line bearing/lengths;
  - (C) basis of bearings;
- (5) adjacent owner names;
- (6) names and widths of existing streets within 200 feet of the PUD;
- (7) existing culverts, channels, and basins;
- (8) City zoning designation and boundaries within the PUD;
- (9) FEMA flood zone designation and boundaries within the PUD;
- (10) existing contours at 2 foot intervals;
- (11) existing waterlines, valves, hydrants, and sizes within 200 feet;
- (12) existing sewer lines, sizes, flow direction, and manholes within 200 feet;
- (13) existing buildings within the PUD;
- (14) existing easements within the PUD;
- (15) proposed streets including;
  - (A) name and/or number (no duplicates with streets within Iron County);

- (B) length and bearings;
- (C) widths;
- (D) intersection fillets;
- (16) proposed water mains, locations, sizes, valving, and fire hydrants;
- (17) proposed sewer lines, location, sizes, manholes;
- (18) proposed drainage system, line location, line sizes, manholes, curb inlets/outlets, channels and basins;
- (19) property easements for gas, water, sewer, phone, fiber, avigation, off-site utilities, and trails;
- (20) lot and unit information including border lines (lengths and bearings), lot or unit numbers, area in square footage;
- (21) location map;

**Step 8.** Soil Testing and Report Approval. See Section 32-9(1).

**Step 9.** Engineering Drawings - See Section 32-9(4)

**Step 10.** Improvement Costs Estimate. The Developer shall prepare and submit to the City Engineer separate improvement cost estimates for the private and City owned and maintained improvements as shown on the engineering drawings including a 3% markup for Construction Management and a 0.5% markup for testing.

**Step 11.** Preliminary Plan and Engineer Drawings City Engineer Approval. The City Engineer shall review and approve the proposed PUD's Preliminary plan, Engineering drawing, soils report, design study reports and improvement cost estimate.

**Step 12.** Final Plat: Once a submitted preliminary plan, engineering drawings, soils reports, design study reports and the improvement cost estimate have been checked and approved by the City Engineer the PUD can proceed with the Final Plat process. The developer shall then prepare and submit a copy of the Final Plat of the subdivision to the City Engineer. The Final Plat shall contain the following information:

- (1) The name of the development;
- (2) A north arrow, the scale of the drawing and the date of preparation of the plat;

- (3) All lot or unit sizes, which shall be indicated by square feet;
- (4) Accurately drawn boundaries showing the proper bearings and dimensions of all boundary lines of the PUD, (properly tied by reference to a public survey monument - these lines shall be heavier than street and lot lines);
- (5) The names, widths, lengths, bearings and curve data of said streets, public utility and irrigation easements, and the boundaries, bearings and dimensions of all portions within the subdivisions intended to be dedicated to the use of the public, and the lines, dimensions, bearings and numbers of all units, lots, blocks and parts reserved within the PUD (all lot, blocks and streets shall be numbered in accordance with the street numbering system adopted by the City);
- (6) A licensed land surveyor's "Certificate of Survey";
- (7) The description of the boundaries of the development together with a certification by the Subdivider's engineer or land surveyor stating that the lots and units described fully comply with the requirements of this ordinance;
- (8) The owner's Certificate of public and private dedications as required by Cedar City;
- (9) The signature of every person who owns property within the development and a notary public's acknowledgment of all signatures;
- (10) A signature line of the Planning Commission Chair;
- (11) A signature line for the Mayor and City Recorder;
- (12) A signature line for the City Engineer and City Attorney;
- (13) A signature line for all utility companies and the postal service;
- (14) A notice of all covenants, conditions and other restrictions which may be relevant and applicable to the property contained in the plat;
- (15) Designation of common areas and private ownership areas;
- (16) Identification of common landscaped areas, parking areas, driveways and other features required by this Section;
- (17) Footprint drawings of all buildings and building elevations where required;

- (18) City zoning designation and boundaries within the PUD;
- (19) FEMA flood zone designation and boundaries within the PUD;
- (20) Plat restrictions, lot restrictions and other information required by the Planning Commission and/or City Council;
- (21) Other such information that is reasonable in the City Engineer's opinion based on adopted City ordinances, engineering standards and City master plans and the unique aspects of the subdivision.
- (22) In the case of a PUD/Condominium project, the preliminary plat shall so indicate and comply with step 15 at final plat.

**Step 13.** City Engineer's Approval. The City Surveyor and Engineer shall check the final plat copies for accuracy and completeness, and shall determine the amount of bond or other performance guarantee, which shall be based upon the estimate of the cost of installing the required improvements as provided by the Developer's Engineer. The City Engineer shall calculate the City fees to be paid, and the required amount of water that needs to be conveyed to the City necessary to comply with the City's water acquisition ordinance prior to final plat approval. The corrected final plat shall then be a plotted original on 24" X 36" mylar signed and stamped by the Surveyor, and signed and notarized by the owners, and signed by all utilities and then given to the City Engineer for his/her approval and signature. Upon calculation and/or approval of the bond amount, required City fees and water conveyance quantity the City Engineer shall forward all information to the City Attorney for collection and the scheduling of the matter for City Council review.

**Step 14.** Performance Bond, Fees, Title Report, Bond Agreement, Reimbursement Agreement, CC&R's, Water Conveyance, and other matters.

Upon the City Attorney receiving the Final Plat and other information from the City Engineer the developer shall provide the following to the City Attorney for review and approval prior to the City Attorney scheduling the matter for Final Plat approval by the City Council:

- (1) Performance bonding as described in Section 32-9(10) guaranteeing the required improvements will be installed and paid for without cost to the City;
- (2) A title report. The title report is to be reviewed to verify ownership, taxes, including green belt roll back taxes, and special improvement district assessments are current, and to examine the liens that are on the property. All ownership in the title report must match the ownership on the plat. All taxes,

including green belt roll back taxes, and special improvement assessments must be current;

- (3) Verification of payment of all fees owed to the City pursuant to the City's adopted fee schedule. The fees shall include but not be limited to Planning Commission filing fee, plat and plan checking fees, pre-plat approval construction fees, utility line reimbursement fees, lift station up-grade fees, recording fees, inspection fees and water assessment fees;
- (4) If requested by the subdivider, an off-site utility extension reimbursement agreement shall be prepared by the City Attorney and signed by the subdivider;
- (5) Documentation of all conveyances of water rights to the City according to Section 32-9-19;
- (6) Original CC&R's ready for recording as deemed necessary by the City;
- (7) All outstanding matters must be completed prior to scheduling for City Council approval. These matters include but are not limited to the matters described above, Attorney letters certifying compliance with the Utah Condominium Act, verification of original deeds for easements, and any other matter that is required by the subdivision of the land.

**Step 15.**

**City Attorney Approval:** A current Title Report or copy of a Title Insurance Policy indicating ownership of the property, Declaration of Covenant, Conditions and Restrictions, required bonding, bond agreement, receipt verifying payment of fees and Final Plat shall be presented to the City Attorney for review and approval. Where covenants, conditions and restrictions are imposed upon a PUD, two copies of the Declaration of Covenants, Conditions and Restrictions shall be submitted to the City, signed and prepared for recording at the Iron County Recorder's Office prior to approval of the final plat. In the case of a PUD condominium project, the developer shall submit to the City Attorney a written statement by an attorney who is licensed to practice in the State of Utah. This written opinion shall state that the condominium declaration, the record of survey map, and other supporting documentation comply in all respects with the Utah Condominium Ownership Act, as well as all applicable federal, state and local laws and ordinances, and that when the condominium declaration and survey map have been recorded in the office of the Iron County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.

**Step 16.**

**City Council Approval of Final Plat:** After approval of the Final plat by the City Engineer and City Attorney, the City Council shall approve or disapprove the same.

The City Council shall consider approving the Final Plat of the PUD in a manner consistent with state law provided it finds:

- (1) That all requirements of the Planing Commission have been incorporated into the Final Plat; and
- (2) That all Engineering Drawings of the PUD have been approved by the City Engineer.
- (3) In authorizing any PUD the City Council may impose conditions reasonably connected and necessary to mitigate adverse impacts.

**Step 17.** Recordation of Final Plat: The Final Plat shall be recorded by the City after all signatures are obtained, all approvals are given, and all bonds and fees are posted with the City.

(4) PUD Development Standards and Requirements.

- (A) Variations from the development standards of the underlying zone in which the PUD is located may be permitted by the City Council provided the variations are specifically adopted by the City Council as part of the approved development plan or approved supporting documents. Variations shall not include changes in the permitted uses allowed except to the extent set forth herein. The development standards set forth herein are not subject to variations permitted by the City Council.
- (B) The maximum residential density as defined below in lots and/or units per net acre for a PUD shall be as follows:

R-1	Same as the underlying zone
R-2-1	Same as the underlying zone
R-2-2	Same as the underlying zone
R-3-1	Same as the underlying zone
R-3-multi	Same as the underlying zone
RE	Same as the underlying zone
Commercial	Same as the underlying zone
Industrial	N/A

(C) Structure Setbacks.

- (1) Residential - No structures shall be set back less than 20 feet from the right-of-way line of a dedicated street.
- (2) Commercial/Industrial - all setbacks shall be as required in the underlying zone, subject to required utility easements.

- (3) Building setbacks along the perimeter property lines of a residential PUD shall be 10 feet, except within 100 feet of where the perimeter property lines intersect the public street right-of-way the minimum setback shall be 20 feet. Building setbacks in Industrial and Commercial PUD's shall be according to the requirements of the underlying zone.
- 4) When an existing building is converted to a PUD and the building is nonconforming because of setback requirements and utility easements, the building shall be allowed to continue as a nonconforming PUD relative to the same setback and utility easement requirements/deficiencies. All utilities shall be placed underground, where practical, as determined by the Project Review Board.
- (D) All PUD developments shall be served by the public sewer system and public water supply. All newly constructed utilities shall be placed underground. City utilities shall be metered as determined in Project Review Board. Each building shall be served by a separate sewer lateral, sized according to applicable code. Back-flow prevention valves shall be required in accordance with the applicable code.
- (E) All PUD common street, drainage, water and sewer improvements shall be designed and installed and inspected according to applicable codes and standards.
- (F) Fences. A six-foot high sight obscuring masonry fence shall be erected on the perimeter of all Residential PUD projects. Fences shall be setback a minimum of 10 feet from the right-of-way line of a dedicated street. The fence setback area shall be landscaped.
- (G) Landscaping. In commercial or industrial PUD's, and residential PUD's, permanent landscaping requirements shall be satisfied by the landscaping requirements of the underlying zone.
- (H) Parking. The parking of any PUD shall be the same as the parking requirements of the underlying zone.
- (I) Private (non-dedicated) Streets.
  - (1) All streets within a PUD shall have a minimum paved width according to City Engineering Standards. Streets do not include parking lot driveways.
  - (2) A private street will not extend to or provide service to another property not included in a phase of the PUD.



- (3) Private streets are entered from the public streets by a drive-way type entrance and are posted as private streets. Entrances shall be designed in accordance with City Engineering Standards.
  - (4) Private streets are not maintained by the City.
  - (5) When a PUD entrance occurs at the end of a City Street the developer shall provide for a dedicated, City Standard Cul-de-sac or equivalent turn-around.
  - (6) As part of the PUD approval process and in order to provide legal public access to adjoining properties or to conform with the City's Street master plan, the City can require any street in the PUD to be a dedicated City street with widths and improvements according to City Engineering Standards.
- (J) All storage and solid waste receptacles which serve multiple units and which are not located within a building shall be enclosed within a site obscuring fence or fence compatible with the design of the development.
- (K) A PUD may restrict the storage of recreational vehicles within the PUD in the restrictions and covenants of the project. Combined recreational vehicle storage areas in excess of 560 square feet shall be enclosed in a 6 foot high site obscuring fence.
- (L) PUD plats prepared for filing shall be required to show the following minimum utility easements and required dedications to the public:
- (1) All private streets;
  - (2) Minimum ten-foot utility easement on each side of all streets;
  - (3) Minimum seven and one-half foot utility easement around the perimeter of the PUD. In a Commercial or Industrial zone, the City Council may grant an exception to said easement requirement, after a recommendation by the Project Review Board and the Planning Commission, and each city franchised utility has waived in writing their need for the easement; and,
  - (4) All public dedications for streets, trails, drainage, utilities, parks, etc. Said utility easements shall be for the purpose of installing and maintaining utility lines as required by the utility owners. Prior to filing of a Planned Unit Development plat, all utilities currently operating in Cedar City, Utah under a franchise agreement with the City, shall acknowledge by signature on the plat that they have approved said utility easements, and guarantee their utility improvements will be installed and maintained.

(M) The declaration of Covenants, Conditions and Restrictions (CC&R's) shall include:

- (1) A statement of maintenance responsibilities and estimated maintenance budget for all private common improvements, i.e. streets, drainage, sewer, water, landscaping, parks, trails, recreational facilities, club houses, parking areas, fencing, solid waste and other storage areas, etc.;
- (2) A statement limiting units available for rent or lease to be less than 30% of the total livable units in the PUD.

#### **SECTION 32-9. Subdivision and PUD General Requirements.**

The following are the General Requirements for the development of subdivisions and/or PUDs as indicated:

(1) Soils Report Compliance- the City Council requires that all proposed detailed minor lot subdivisions, platted subdivisions and PUDs undergo soils testing to determine the susceptibility of the soil in said subdivisions or PUDs to soils problems, including but not limited to: subsidence, enlargement, hydro-compaction, settling, slippage, and sinking of soil in relation to construction thereon or any other soil related condition that may pose a present or future threat to buildings or infrastructure constructed thereon. The subdivider or developer shall retain a geotechnical engineering consultant to drill sufficient test pits and bore holes and make analysis and recommendations concerning the requirements to use the soil as the supporting structure for City streets, curb, gutter, sidewalk, utilities and other right-of-way improvements and for public and private buildings. Any such consultant so retained must first be approved by the City Engineer of Cedar City. The following details how the soils report will be reviewed by the City and used by the subdivider or developer in designing the subdivision or PUD:

- (A) Upon approval of the Vicinity Plan of a detailed minor lot subdivision or platted subdivision, or a PUD the subdivider or developer shall provide the City Engineer with two (2) copies of the proposed subdivision's soils report containing the testing, analysis and recommendations of the geotechnical engineer. The Soils Report may be submitted to a second geotechnical engineering firm retained by Cedar City for its comments and recommendations regarding the findings and recommendations of the original soils report. The cost of all engineering analysis shall be borne by the subdivider or developer and payment for the second engineering opinion shall be prepaid by the subdivider to the City.
- (B) After reviewing the original soils report and the second opinion of a detailed minor lot subdivision, the City Engineer may present the findings of the reports to the Planning Commission and/or City Council. The Planning

Commission and City Council may either approve or disapprove the application for a subdivision or PUD in which a soils report has been required after considering the findings and recommendations of the original Soils Report and any required second opinion.

- (C) In all subdivisions and PUDs, all right-of-way improvements, all public utilities, other public improvements and private structures erected within a subdivision or PUD in which soils report has been required and approved by the City must be built in accordance with the findings of the approved soils report. This shall be in addition to all other building code requirements. The Building Inspector shall have the authority to deny a building permit to a builder proposing to erect a structure within a subdivision or PUD that does not comply with the approved soils report. The City Engineer shall assist the Building Inspector in determining the compliance of buildings with the engineering report. The City Building Inspector shall maintain a complete copy of the soils report for inspection and review by the general public and for the City's use in performing the duties of the City Building Inspector.

- (D) Violations of this sections shall constitute a Class B Misdemeanor.

(2) Standards and Specifications- Engineering standards containing specifications for materials and installation of the required improvements to be owned and maintained by the City in subdivisions and PUDs shall be prepared by the City Engineer. Such engineering standards shall be approved by the Planning Commission and City Council and shall be adopted by resolution of the City Council. Said standards shall be considered minimum and shall apply under all ordinary circumstances; provided, however, that where the subdivider can show that a provision of these general requirements and design standards would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the City Council, a departure may be made without destroying the intent of such provisions, the City Council may authorize a variance. Any variance so authorized shall be stated on the final plat and the reasons for such departure shall be entered in writing in the minutes of the City Council. Otherwise, all improvements shall be installed in accordance with City Engineering Standards.

(3) Required Subdivision Improvements- The following improvements shall be required in all subdivisions and also PUDs where specifically indicate herein:

- (A) All streets shall have sub-base, and minimum two and one half (2 ½) inch oil mat from curb to curb in accordance with Cedar City's engineering standards;
- (B) Signs in accordance with Cedar City's engineering standards;

- (C) Street drainage and drainage structures shall be provided in accordance with Cedar City's engineering standards and City storm drain system master plans;
- (D) The subdivider shall install sanitary sewers as approved by the City Engineer in accordance with Cedar City's engineering standards and City sewer system master plans;
- (E) Water mains having a diameter of not less than eight (8) inches shall be installed in accordance with Cedar City's engineering standards and City water system master plans;
- (F) Easements shall be provided, and fire hydrants and water meters installed to City specifications;
- (G) Curbs and gutters shall be installed in accordance with Cedar City's engineering standards;
- (H) Underground utilities shall be installed within the subdivision (these utilities shall include electricity, natural gas, telephone, cable T.V. and street lights; a subdivider may have the option of installing appropriate overhead utilities in any portion of the subdivision in which overhead utilities existed at the time of the presentation of the vicinity plat where such utilities could serve that portion of the subdivision);
- (I) Sidewalks for the entire subdivision where streets front lots in the subdivision shall be installed in accordance with Cedar City's engineering standards. Where a street does not front lots on both sides, the sidewalks along the side of the street not fronting lots can be omitted;
- (J) For Subdivisions and PUDs neighborhood delivery and collection box units (NDCBU) shall be installed (the location of the NDCBU'S shall be designated on the final plat after consultation by subdivider with the United States Postal Service and an appropriate easement provided therefore);
- (K) Street lights in accordance with Cedar City's engineering standards unless prohibited by recorded CC&Rs for the subdivision;
- (L) Six foot high site obscuring fences on lot lines of back yards of double fronted lots where the back yard is boarded by a City street;
- (M) Subdivisions and PUDs will be required to leave in place any existing and required unpaved, 20 foot minimum width, wild land accesses to any public property. Subdivisions and PUDs will be required to design streets to connect to the existing and required wild land accesses. The wild land accesses shall not included as part of a lot.

(N) For Subdivisions and PUDs off-site access streets as follows:

- (1) Where off-site access streets to the subdivision or PUD extend through the subdivider's or developer's property the street shall be fully improved with pavement and curb and gutter, not including sidewalk;
- (2) Where off-site access streets to the subdivision or PUD extend through property not owned by the subdivider or developer the street shall be paved 13 feet on each side of the street centerline and be dedicated the required full width with the required public utility easements on both sides of the street.

(4) Engineering Drawings - Upon receiving the Planning Commission's approval of the Vicinity Plan and soils report for detailed minor lot subdivisions, platted subdivisions and PUDs the subdivider or developer shall have an engineer licensed in the State of Utah prepare and stamp one (1) copy of engineering drawings showing a detailed design of all the required subdivision or PUD City and common improvements as listed in Section 32-9(3). The engineering drawings shall be reviewed and initialed by the design engineers's internal checker and shall conform to all City Ordinances, City Engineering Standards, City Master Plans, sound engineering practices, other local, state and federal regulations, soils report recommendations and other requirements of the City Engineer that are based on adopted Cedar City land use regulations. Design study reports for drainage, water, sewer, and traffic may also need to be submitted when requested by the City Engineer. Whenever final approval has been obtained from the City Engineer on the Engineering Drawings the approval shall remain in effect for a period of two (2) year. If construction has not began before the 2 year period elapses, the City Engineer has the right to have the drawings updated to the current Cedar City Engineer Standards if effect at that time.

(5) Parks, School Sites, Other Public Space- In subdividing property, consideration shall be given to sites for schools, parks, playgrounds, and other areas for public use, as shown on the Master Plan. Any provisions for such open spaces should be indicated on the Vicinity Plan in order that the City may determine when and in what manner such areas will be dedicated to, or required by, the appropriate agency.

(6) Water Pressure- No subdivision shall be approved in an area in which the water pressure at the highest spot in said subdivision has less than 40 p.s.i. with the water tank serving said area containing the amount of one (1) foot of water in said tank, unless said subdivision installs a water system consisting of either additional storage, booster pumps, or other requirements as determined to be necessary by the City Engineer to provide service to areas within said subdivision not meeting the 40 p.s.i. requirement.

(7) Access- All subdivisions shall have access to a dedicated, paved, City street or state highway. If these conditions do not exist, the subdivider will be required to obtain such access before final plat approval and make improvements before the subdivision is accepted.

(8) Minimum Public Utility Easements on Residential Lots- Residential subdivision plats prepared for filing shall be required to show the following minimum width utility easements:

(A) Residential Lots

- (1) Minimum ten-foot utility easement on the front lot line;
- (2) Minimum five-foot utility easement on the side lot line of subdivision perimeter lots; and
- (3) Minimum seven one-half utility easement on the rear lot line.

(B) Commercial and Industrial Lots- Minimum twenty-foot easement on front lot line.

(C) Said utility easements shall be for the purpose of installing and maintaining utility lines as required. Prior to filing of any residential subdivision plat, all utilities currently operating in Cedar City, Utah, shall acknowledge by signature on the plat that they have reviewed said utility easements, and guarantee their utility improvements will be installed.

(9) Cost Sharing of Improvements- Cost of on-site and off-site improvements, which are covered under the provisions of this section, as well as the cost of other improvements, which the subdivider is required to install, shall be shared between the subdivider and the City, according to the following schedule:

FACILITY	SUBDIVIDER	CITY
Easements and rights-of-way.	100%	0%
Grading and drainage of streets.	100%	0%
Bridges	100% for all local and Collector streets.	0% (on-site and off site)
Street and paving.	100% For minor collector widths in residential areas and for collector widths in industrial and commercial areas	100% for widths above minor collector widths in residential areas and for collector widths in industrial and commercial areas are eligible for impact fee reimbursement
Curb, gutter, curb cuts, driveways and cross gutters.	100%	0%
Sidewalk.	100%	0%

Street Signs	100%	0%
Electric utilities, Natural Gas, Telephone/Communications, Cable T.V., and Streetlight wiring.	100%	0%
Street Light system.	100%	0%
Water System	100% up to and including the diameter required for subdivision, 8" minimum.	All required oversize in excess of the diameter required for subdivision that is eligible for the impact fee reimbursement.
Fire Hydrants	100%	0%
Pressure irrigation system	100%	0%
Sanitary Sewer System	100% up to and including the diameter required for subdivision, 8" minimum.	All required oversize in excess of the diameter required for subdivision that is eligible for the impact fee reimbursement.
Storm drains, canals and Flood Channel Systems.	100% up to and including the size required for subdivision, 24" minimum.	All required oversize in excess of the diameter required for subdivision that is eligible for the impact fee reimbursement.
Parks.	Special negotiations with City Council.	Special negotiations with City Council.
Fences.	100% for rear yard lot line fences on double fronted lots.	0%
Wild Land Access	100%	0%
Inspection and Materials Testing	100%	0%

1. Exception is made when street is Federal or State Highway where City will not participate.

2. Whenever any off-site property is benefitted by the installation of any of the required improvements, the subdivider or developer, prior to recording the final plat, may sign an agreement with Cedar City providing that they shall be reimbursed for the expenses incurred for installing the improvements. After the improvements are installed and accepted by Cedar City, the subdivider or developer can begin receiving reimbursement amounts according to the agreement. These reimbursement amounts shall be collected and be paid by Cedar City to the subdivider that paid for the installation of the improvements. Such reimbursement shall extend until the subdivider or developer has been completely reimbursed without interest for the money expended for installing the improvements, or for a ten year period from the time the reimbursement agreement is executed, whichever occurs first. Reimbursement shall only be collected from off-site property owners whose property fronts the installed improvements. The reimbursement for the fronting off-site property shall be calculated on a front foot basis and shall be 50% of the installation costs for street light, water, sewer and storm drain improvements that front the off-site property and 100% of the installation costs for bridge, street, curb, gutter, sidewalk and sign improvements that are on the off-site fronting property's side of the road centerline. This reimbursement shall not eliminate the requirement to pay impact or other required City fees.

3. Improvements eligible to be paid for with impact fees shall be reimbursed by the City to the subdivider or developer. This impact fee reimbursement shall be based on the actual cost of installation including engineering and be subject to availability of impact fee funds.

**(10) Guarantee of Performance-** For all required City owned and maintained improvements in detailed minor lot subdivisions, City owned and maintained platted subdivisions and PUD's and common improvements in residential PUDs the subdivider or developer will be required to post a bond with the City guaranteeing the required improvements will be installed and paid for without cost to the City. Such bonds shall be posted and administered as follows:

- (A) **Type and Amount of Guarantees-** The type of guarantee for the subdivision or PUD improvements may be in the form of a cash bond or letter of credit from an acceptable financial institution in an amount equal to the cost of the required utilities and improvements as approved by the City Engineer. All letters of credit shall be in a form acceptable to the City Attorney.
- (B) **Bond Amount-** The cash bond or letter of credit in an amount sufficient to cover the approved engineer's estimate plus an additional ten percent (10%) warrantee bond to



cover the warranty period for the City owned and maintained improvements in detailed minor lot and platted subdivisions and residential PUDs.

- (C) **Duration-** Unless otherwise provided by a contract entered into according to this Chapter, the duration of the cash bond or letter of credit for the improvement bond and warrantee bonds shall continue until all improvement and warrantee work has been completed by the subdivider or developer.
- (D) **Default-** Unless otherwise provided by a contract entered into according to this Chapter, in the event the subdivider is in default or fails or neglects to satisfactorily install the required utilities and improvements within two years from the date of approval of the final plat by the City Council the City may declare the bond or other assurance forfeited, and the City may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurance to defray the expense thereof.
- (E) **Bond Agreement:** A signed bond agreement with the City is required. The bond agreement shall be in a form approved for use by the City Attorney. These agreements are deemed necessary and proper to insure the improvements are constructed and the Mayor is authorized to sign them without prior approval from the City Council;
- (F) **Release of Bonds:**
  - (1) A maximum of 90% of the cash bond or letter of credit shall be eligible for release as the improvements are completed according to the approved engineering drawings. 10% of the bond shall be retained until the City improvements in a subdivision or PUD are accepted by the City Engineer. The improvements shall not be accepted by the City Engineer until as-built drawings and grading reports are received, and the final inspection by the City Engineer and resulting punch list items are completed by the subdivider.
  - (2) The additional ten percent (10%) cash bond posted to cover the warranty period shall remain in effect for one (1) year from the date the subdivision or PUD with City improvements is accepted by the City. The purpose of the bond is to pay for items that are not repaired by the subdivider or developer during the warranty period. Once this year has passed and the improvements have been accepted by the City this bond will be eligible for release to the subdivider or developer;
  - (3) When the warranty bond is released the City will be deemed to have accepted all City improvements and shall assume responsibility for ongoing maintenance of the subdivision's or PUD's City improvements.

- (11) **City Fees**- City fees for subdivisions and PUDs will be assessed according to the City's fee schedule and paid for before Final Plan or Plat approval by the City Council. The fees shall include but not be limited to Planning Commission filing fee, plan checking fees, pre-plat approval construction fees, utility line reimbursement fees, lift station up-grade fees, construction inspection fees, water acquisition fees, etc.
- (12) **Inspection of Improvements**- The City Engineer shall inspect the work during construction for quality of materials and workmanship, but the subdivider or developer shall be responsible for the quality of all materials and workmanship.
- (13) **Improvement Schedule**-
- (A) After the completed application and filing fees have been submitted to the City no improvement construction shall begin in a platted subdivision, detailed minor lot subdivision or residential PUD, including clearing and grubbing, before the final plat or plan is approved by the City. If the subdivider or developer begins construction on the subdivision or PUD improvements before Final Plat approval by the City Council a pre-plat construction fee as set in the City's Fee Schedule will also be assessed and collected before Final Plat approval by the City Council.
  - (B) The City owned and maintained improvements in a platted subdivision, detailed minor lot subdivision and PUD, and common improvements in a residential PUD, shall be constructed within two (2) years of the final plat or plan approval by the City. If the improvements are not installed within two (2) years of final plat or plan approval by the City, the City shall use the subdivider's or developer's performance bond to install the improvements.
  - (C) In simple minor lot subdivisions included in Section 32-6 Step 2(1)© the required City owned and maintained improvements fronting the lot shall be completed before an occupancy permit is issued for any building on the lot.
  - (D) In commercial or industrial PUDs the common PUD improvements serving any lot in the PUD shall be completed before an occupancy permit is issued for the building on that lot.
  - (E) **No building permits will be issued in a platted subdivision or a detail minor lot subdivision (not including PUDs) until all fronting streets improvements are installed and accepted by the City.**
- (14) **As-built Drawings**- No bond retainage will be released on a platted subdivision, PUD or a detail minor lot subdivision until final as-built drawings of any City owned and maintained improvements are prepared and submitted to the City Engineer.

(15) Improvement Completion and Acceptance- At the completion of the installation of the City owned and maintained improvements the City Engineer shall make a final inspection of the subdivision or PUD. If as-built plans are filed and other conditions thereof are found to be satisfactory, the City shall release the bond, not including the 10% cash warrantee bond, or other assurance and accept the responsibility for the dedicated right-of-ways, easements and City owned and maintained facilities. If "as constructed" plans have not been submitted to the City Engineer or the required improvements are not completed within the required time period the City may declare the subdivider in default.

(16) Warrantee Period Acceptance- If the condition of material or workmanship shows unusual depreciation or does not comply with acceptable standards of durability at any time during the one year warrantee period it will be the responsibility of the subdivider or developer to make the necessary repairs. If the subdivider or developer does not complete the necessary repairs with 30 days after receiving written notice from the City, the City will declare the subdivider or developer in default and use the 10% warrantee bond to complete the repairs.

(17) Special Improvement Contracts- In the event that the improvements are installed under "special improvement contracts" the planning and execution of the work shall be carried out as prescribed by laws pertaining thereto.

(18) Amended Plats- Amended plats must be filed. When major changes, not including lot line adjustments, in a plat of a subdivision which has been recorded are made, approval of said subdivision shall be vacated and an amended plat thereof approved and filed in accordance within the requirements of this Ordinance and applicable state laws.

(19) Water Right Conveyance to the City-

- (A) Before final plat approval subdividers and developers of platted subdivisions and residential PUDs are required to convey water rights to the City according to the City's water acquisition ordinance.
- (B) Minor lot subdivisions and commercial and industrial PUDs shall convey water rights to the City according to the City's water acquisition ordinance when a building permit is obtained on each lot.

(20) Enforcement and Permits- No officer of Cedar City shall grant any permit or license for the use of any building or land if such use would be in violation of this Ordinance.

(21) Penalty- Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment in the County Jail for six (6) months, or by both fine and imprisonment.

(22) Validity- If any section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not effect the validity of the remaining portion of this Ordinance.

**CEDAR CITY  
CITY COUNCIL AGENDA ITEM  
STAFF INFORMATION SHEET**

**TO:** Mayor and City Council

**FROM:** Kit Wareham

**DATE:** December 19, 2014

**SUBJECT:** Proposed Subdivision Ordinance Revisions

**INFORMATION:**

The current subdivision ordinance for Cedar City has been in place for nearly 20 years with very few revisions. As subdivisions have gone through the process in the past, the public, the Planning Commission, City Council and City staff have noted several items in the ordinance that could be improved. For nearly a year now City Staff has now gone through the ordinance and tried to address these items that could possibly be improved. In December the Planning Commission reviewed the proposed changes to the City's Subdivision Ordinance and made a recommendation to the City Council to make those changes. (See attached minutes)

Also attached is a summary of the proposed changes to the subdivision ordinance and a copy of the complete, revised subdivision ordinance. The proposed changes generally fall into the following categories:

- 1- Changes made to stream line the subdivision approval process;
- 2- Changes made to prevent problems during or after the construction of the subdivision's improvements;
- 3- Changes made to make the approval process more consistent for subdivisions and PUDs.

A presentation of the proposed changes to the City's subdivision ordinance has already been made to the Iron County Board of Realtors and Iron County Home Builders Association. Very few comments on the proposed changes were made from either of these groups.

If you have any questions or comments on the proposed changes, please give me a call.

**CEDAR CITY ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE OF THE CEDAR CITY COUNCIL AMENDING PROVISIONS OF**  
**THE CITY'S SUBDIVISION ORDINANCE (CHAPTER 32)**

**WHEREAS**, In compliance with the Utah Municipal Land Use Development and Management Act, UCA § 10-9a-101 et. sec. Cedar City has an adopted chapter 32 of the Cedar City Ordinance which regulates the subdivision of land; and

**WHEREAS**, from time to time it is necessary and proper to review and amend provisions of the City's subdivision ordinance; and

**WHEREAS**, City staff has proposed amendments to the subdivision and said draft amendments have been presented to various local groups concerned with development of land including the Iron County Home Builders Association and the Iron County Board of Realtors; and

**WHEREAS**, the proposed amendments have been presented to the Cedar City Planning Commission which on January 20, 2015, held a public hearing to receive and consider public input related to the proposed changes to the subdivision ordinance; and

**WHEREAS**, the Cedar City Planning Commission has reviewed the proposed amendments to the City's subdivision ordinance and has made a positive recommendation to the Cedar City Council that the proposed amendments be adopted; and

**WHEREAS**, the Cedar City Council has received the proposed amendments to the Cedar City subdivision ordinance, considered the amendments in an open and public meeting, and hereby finds that the proposed amendments further the stated purposes of the Utah Municipal Land Use Development and Management act which are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and non-urban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.

**NOW THEREFORE** be it ordained by the City Council of Cedar City, State of Utah that the Cedar City subdivision ordinance is hereby amended to remove the language that is struck out and include the language that is underlined:

## CHAPTER 32

### SUBDIVISIONS

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## **SECTION 32-1. Purpose of Ordinance.**

1. The underlying purpose and intent of this Ordinance is to promote the health, safety, convenience, and general welfare of the inhabitants of Cedar City, in the matter of subdivision of land and related matters affected by such subdivision. This Ordinance is enacted for the further purpose of facilitating the orderly growth and development of the City; lessening congestion in the streets; preventing the over-crowding of land; avoiding undue concentration of population; securing economy in municipal expenditures; facilitating adequate provisions for transportation, water, sewage, schools, parks, and other public requirements; and stabilizing the value of property, and increasing the security of home life; and in furtherance of the Municipal Land Use, Development and Management Act UCA §10-9a-101 et. sec.
2. Condominiums are required to comply herewith and the Condominium Ownership Act UCA § 57-8-1, et. sec. In the event of a Planned Unit Development, compliance herewith is mandated ~~, in addition to Title 57-8-1 thru 57-8-36, Utah Code Annotated, 1953 as amended, and, in the event of a Planned Unit Development, compliance herewith is mandated in addition to Chapter 26, Article XX.~~

## **SECTION 32-2. Definitions.**

1. For the purpose of this Ordinance, the following definitions shall apply:
  - A. Arterial Street. A street, existing or proposed, which serves or is intended to serve as an arterial traffic-way and is so designated on the Master Street Plan and further described in the Cedar City Engineering Standards.
  - B. Available Sewer. An existing City sewer main into which sewage from a proposed subdivision can drain.
  - C. Collector Street. A street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal traffic-way between large and separated areas or districts and which is the main means of access to an arterial street system. As shown on Cedar City's Streets Master Plan and further described in the Cedar City Engineering Standards.
  - D. Easement. A quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of land, is granted to the public or some particular person or part of the public.
  - E. Final Plat. A recorded plat of the land division, which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified. The Final Plat shall contain all



information required by State Law and City ordinance.

- F. Intervening Property. Property located between the existing city utilities and public service facilities, and the property under development.
- G. Local Street. A street as defined by the Cedar City Engineering Standards, existing or proposed which is supplementary to a collector street and of limited continuity which serves or is intended to serve needs of a neighborhood.
- H. Lot Line Adjustment. The relocation of the lot line in a platted subdivision or a property line in an un-platted area that can be approved by the City Engineer if the proposed lot line adjustment complies with Section 32-5 (1).
- I. Meets & Bounds. The description of a lot or parcel of land by courses and distances.
- J. On-Site Facilities. Facilities installed in, under, or upon the public streets, or rights-of-way within or on the perimeter of the subdivision or development site.
- K. Off-Site Facilities. Facilities designed or located so as to serve other property outside the boundaries of the subdivision.
- L. Oversize Facility. Facilities with added capacity designed to serve other property outside the boundaries of the subdivision or development site.
- M. Preliminary Plat. A map of a proposed land division which has been prepared in accordance with regulations herein prescribed.
- N. Subdivider/Developer. A "Subdivider or Developer" is any person laying out or making a subdivision or Planned Unit Development (PUD) respectively as set forth above.
- O. Subdivision. A subdivision and what is included and not included in a subdivision is described in Title 10, Chapter 9a, Section 103 (52) of the Utah Code.

Subdivision. Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes:

- (A) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
- (B) divisions of land for all residential and nonresidential uses, including land used or to

~~be used for commercial, agricultural, and industrial purposes.~~

Metes & Bounds. The description of a lot or parcel of land by courses and distances.

Subdivider. A "Subdivider" is any person laying out or making a subdivision as set forth above.

Preliminary Plat. A map or chart of a proposed land division which has been prepared in accordance with regulations herein prescribed.

Final Plat. A map or chart of the land division, which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.

Easement. A quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of land, is granted to the public or some particular person or part of the public.

Major Street. A street, existing or proposed, which serves or is intended to serve as a major traffic-way and is so designated on the Master Street Plan.

Collector Street. A street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal traffic-way between large and separated areas or districts and which is the main means of access to a major street system.

Minor Street. A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

On-Site Facilities. Facilities installed in, under, or upon the public streets, or rights-of-way within or on the perimeter of the subdivision or development site.

Off-Site Facilities. Facilities designed or located so as to serve other property outside the boundaries of the subdivision.

Available Sewer. An existing sewer into which domestic sewage from a proposed subdivision can drain by gravity.

Oversize Facility. Facilities with added capacity designed to serve other property outside the boundaries of the subdivision or development site.

Intervening Property. Property located between the existing city utilities and public service facilities, and the property under development.

### **SECTION 32-3. Subdivision Plans Required Staff Sketch Review.**

1. All types of Subdivisions, PUD's or lot line adjustment proposals shall be presented to the City's Staff Sketch Review Committee at the appropriate time before any City Council, City Planning Commission or City Staff approvals are obtained.

**SECTION 32-4. Subdivision and PUD Plats Required.**

1. ~~Whoever, being the~~ The owner or agent of the owner of any land in a subdivision or PUD, except for land located in a recorded subdivision, transfers shall not transfer or sells sell any lots or lands without first preparing a Final Subdivision or PUD Plat, and having such Plat approved by the City Planning Commission and by the City Council, and recorded in the Office of the County Recorder, shall be guilty of a misdemeanor, for each lot so transferred or sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties outlined in Title 10, Chapter 9a, Section 611 of the Utah Code; provided, however, that in subdivisions of less than ten lots, land may be sold by metes and bounds without the necessity of recording a final plat, if all of the following conditions contained herein are met:

- (a)A. The subdivision layout shall have first been approved ~~in writing~~ by the Planning Commission;
- (b)B. The subdivision is not traversed by the mapped lines of a proposed street as shown on the Master Plan of Cedar City streets and does not require the dedication of any land for street or other public purposes; and
- ©C. Each lot in the subdivision meets the frontage, width and area requirements of the Zoning Ordinance, or has been granted a variance from such requirements by the Board of Adjustments. ~~Adopted 4/83~~

**SECTION 32-4 5. Lot Line Approval Procedure. Procedure for Obtaining Approval of a Subdivision Which does not Require the Submission of a Final Plat (Less than 10 lots).**

1. Lot line adjustments may be approved by the City Planning Commission if they comply with items (A) through (F) below. Lot line adjustments may be approved by the City Engineer if they comply with all items (A) through (G) below:
- A. no more than three (3) lots are affected by the lot line adjustment;
  - B. no City streets or easements are affected by the lot line adjustment;
  - C. no City street dedications or easement dedications are required by the lot line adjustment;

- D. no public infrastructure or improvements are required to be constructed and/or dedicated to the City;
  - E. no land area is being added to the original total land area of the combined parcels or the total area of the combined platted lots affected by the lot line adjustment;
  - F. all City zoning ordinances are complied with; and
  - G. the proposed lot line adjustment is not contested by any property owner included in the proposed lot line adjustment or any property owner who was required to receive a notice according to this section.
2. Prior to the City approving a lot line adjustment the City Engineer shall receive the following:
- A. a record of survey showing:
    - 1. proper scale;
    - 2. title block depicting the survey name, location, name of the engineer/surveyor, the date, the scale, and the sheet number;
    - 3. a north arrow;
    - 4. Certificates, legal description, etc.:
      - a. the surveyor's certification and stamp;
      - b. the property legal description depicting boundaries, lots, parcels, easements, etc.;
      - c. survey narrative;
      - d. basis of bearings/elevations;
      - e. city zone;
      - f. FEMA flood zone;
      - g. soils area;

- \_\_\_\_\_ h. legend with survey monuments, signs, fire hydrants, and other relevant data;
- \_\_\_\_\_ i. City Engineer's approval certificate;
- \_\_\_\_\_ j. when deemed necessary by the City Engineer approvals from utilities;
- \_\_\_\_\_ k. vicinity map;
- \_\_\_\_\_ l. a map showing an existing layout of the affected area showing lot lines, lot numbers, lot or parcel addresses, street lines, street numbers, and the location and types of existing easements, and;
- \_\_\_\_\_ m. a map showing the proposed lot modifications showing lot lines, lot line distances, line bearings, legal description, closure, lot areas, lot frontages, lot numbers, and the identity of adjacent owners.

\_\_\_\_\_ B. Final signed deeds showing:

- \_\_\_\_\_ 1. grantor's name and address;
- \_\_\_\_\_ 2. grantor's notarized signature;
- \_\_\_\_\_ 3. grantee's name and address;
- \_\_\_\_\_ 4. parcel/lot legal description with reference to the plat being amended;
- \_\_\_\_\_ 5. parcel/lot legal description matching the record of survey;
- \_\_\_\_\_ 6. closure of the legal description; and
- \_\_\_\_\_ 7. deed restriction, if any.

\_\_\_\_\_ 3. At least 14 days prior to the City making the decision to approve a lot line adjustment a public notice shall be provided as follows:

\_\_\_\_\_ A. Notice shall state the following:

A lot line adjustment is being proposed on a property within 300-feet of your property. The exact location and details of the proposed lot line adjustment are shown on the enclosed drawing(s). (Include 11" X 17" copies of the required record of survey maps). Objections to the proposed lot line adjustment will be received by the City Engineer until 5:00 p.m. on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (specify date). If no objections are received by the specified date and time the matter will be approved by

the City Engineer without further public process. If an objection is received by set date the City Engineer will schedule the matter for the public meeting of the Cedar City Planning Commission for their review and possible approval.

B. Notice shall be delivered as follows:

The notice by the Applicant shall be given to all property owners of record within a 300 foot radius from the boundary of the proposed lot line adjustment. Notice shall be sent certified mail by the Applicant to said property owners, or hand-delivered to the property owners (certificate of hand-delivery to be filed with City Engineer) in accordance with the most current Iron County Assessment Roll.

4. Prior to the City Planning Commission Chair or City Engineer signing the approved record of survey, and stamping and signing the deeds, the City Engineer shall collect the filing fee and plat checking fee at a rate to be set by the City's consolidated fee schedule.
5. Once the Planning Commission Chair or City Engineer has signed the record of survey and stamped and signed the deeds, the lot line adjustment shall be deemed approved. The approval shall be valid as provided by the provisions of this ordinance. The deeds and record of survey shall be returned to either the title company or the applicant for recording with the Iron County Surveyor and Iron County Recorder.
6. A lot line adjustment shall not require compliance with the following provisions of this ordinance; bonding, submission of as-built and/or construction drawings, inspections, soils testing, water pressure minimums, and required improvements.

SECTION 32-6. Minor Lot Subdivision Approval Procedure (Less than 10 lots including the remainder parcel, not requiring a Plat),

**Step 1.** Discuss Proposed Subdivision with City Engineer. Any person wishing to subdivide within Cedar City, Utah, shall secure from the City Engineer or other authorized representative of the Planning Commission, information pertaining to the City's plan of streets, sewer, water, drainage, parks, trails, zoning, subdivision of lands, and other master plan requirements affecting the land to be subdivided, and the required water conveyance to the City according to Section 32-9-19. Subdivider shall also be informed that multiple, contiguous minor lot subdivisions shall not be allowed.

**Step 2.** Determine the type of minor lot subdivision and requirements. There are two (2) types of minor lot subdivision, a simple minor lot subdivision and a detailed minor lot subdivision as defined below:

1. Simple minor lot subdivisions shall consist of the minor lot subdivisions where the minor lot subdivision meets one or more of the following

criteria:

A. The subdivision is in a residential zone and all lots front a dedicated public street that is completely improved with curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, but may not have sewer and water service laterals, and there are less than (10) lots including the remainder parcel:

B. The subdivision is in an industrial or commercial zone and all lots that front a dedicated public street, the street is completely improved with curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, but may not have sewer and water service laterals, and there are less than (10) lots including the remainder parcel:

C. The subdivision is in an industrial or commercial zone and all lot frontages along unimproved dedicated public streets are more than two hundred (200) feet and there are less than (10) lots including the remainder parcel.

2. Detailed minor lot subdivisions shall consists of those minor lot subdivisions where:

A. The subdivision is in a residential zone and one or more of the lot frontages is not completely improved with required curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, and there are less than (10) lots including the remainder parcel:

B. The subdivision is in an industrial or commercial zone and one or more of the lots that front a dedicated public street that is not completely improved with required curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains and there are less than (10) lots including the remainder parcel:

C. The subdivision is in an industrial or commercial zone and one or more of the lot frontages along unimproved dedicated public streets are less than two hundred (200) feet and there are less than (10) lots including the remainder parcel.

Step 3. Vicinity Plan. ~~The~~ For both simple and detailed minor lot subdivisions the subdivider shall then prepare a vicinity plan of Vicinity Plan at a scale of not smaller than 1 inch = 100 feet, and shall submit ~~three copies~~ a copy of the same to the City Engineers. The Vicinity Plan ~~vicinity plan~~ shall show:

1. A small map showing the location of the subdivision in relation to existing City roads and recognizable landmarks;
2. The general layout and numbering of the lots and remaining parcel within the area to be subdivided and how the lots connect with existing adjoining streets and lots;
3. The lot frontages (in lineal feet) and areas (in square feet) of the lots within the subdivision;
4. The location of existing and proposed main water lines, main sewer lines, and storm drain facilities within the land to be subdivided and the adjoining existing streets;
5. The locations of existing building(s) on the property being subdivided;
6. A title block containing the subdivision name, subdivider's name and the name, address, and phone number of the subdivider's engineer;
7. City zoning designation and boundaries within the subdivision;
8. FEMA flood zone designation and boundaries within the subdivision;
9. soils area designation;
10. survey monuments, and;
11. names of the adjacent property owners;

- ~~(1) The location of the subdivision;~~
- ~~(2) The general layout of streets, blocks and lots within the area to be subdivided; and~~
- ~~(3) The relationship of existing and planned streets within one-half mile from the outside boundaries of the subdivision;~~

~~— The vicinity plan shall then be submitted to the Planning Commission for its review.~~

~~— **Step 3. Planning Commission Approval.** The Planning Commission shall review and approve or disapprove the layout of the subdivision, or approve it subject to change or alteration.~~

**Step 4.** Vicinity Plan City Engineer Approval. For both simple and detailed minor lot subdivisions the City Engineering Staff shall Review and Approve the Vicinity Plan before submitting to the Planning Commission for review.

**Preliminary Plan and Engineering Drawings.** Upon approval of the Vicinity Plan by the Planning



Commission, the subdivider shall prepare and submit the following information and material to the Planning Commission:

- (1) A written application for approval of the subdivision on forms furnished by the Planning Commission;
- (2) Three copies of a Preliminary Plan of the subdivision;
- (3) Three copies of Engineering Drawings showing typical cross-sections of streets, curbs and gutters and sidewalk; location and size of both "on-site" and "off-site" water and sewer mains; street profiles, contours, and any other information or material required by the City Engineer, such as location of all utilities; and
- (4) The payment of a filing fee in the amount of \$40 per lot.

**Step 5.** File Planning Commission Application and Fees. For both simple and detailed minor lot subdivisions the subdivider shall submit an application to the City Engineer and pay the applicable Planning Commission and filing fees according to the City's adopted fee schedule. Pursuant to the provisions of Title 10, Chapter 9a Section 509 of the Utah Code, upon submission of a complete application and payment of filing fees the Subdivider or Developer is entitled to substantive review of their application under the land use laws currently in effect.

Planning Commission Approval of Preliminary Plan:

- (1) The Planning Commission shall review and approve or disapprove the Preliminary Plan, or approve it with modifications within thirty (30) days from the date of the submission of the Preliminary Plan.
- (2) Action of the Planning Commission shall be written on the face of two copies of the Plan, one of which shall be retained in the files of the City Engineer, and one of which shall be returned to the subdivider. If disapproved, the Planning Commission shall express its reasons therefor.
- (3) Where a subdivider owns or controls more land that is planned for immediate development, the Planning Commission may require that a Preliminary Plan of the whole area, or a significant part thereof, be submitted, in which case the subdivider shall indicate on the preliminary plan the portion to be developed for immediate improvement and the portion to be held for future development.
- (4) The Preliminary Plan and Engineering drawings may be presented to the Planning Commission at the same time as the Vicinity Plan, provided such plans shall have been presented to the City Engineer at least 10 days prior to their presentation to the Planning Commission for study and approval by the City Engineer.

**Step 6.** Vicinity Plan Planning Commission Approval. For both simple and detailed minor lot subdivisions the Planning Commission shall review and approve the vicinity plan or approve it subject to changes or alterations. Whenever final approval has been obtained from the Planning Commission the Vicinity Plan approval shall remain effective for a period of Two (2) years.

City Engineer's Approval. The City Engineer shall check the Preliminary Plan for accuracy of

~~the lot boundaries and shall determine the amount of bond or other performance guarantee which shall be based upon an estimate of the cost of installing the required improvements as provided by the subdivider's Engineer.~~

**Step 7.** Soil Report Approval and Compliance (only required for detailed minor lots subdivision). See Section 32-9(1).

~~Performance Bond Submitted to City. After approval of the Preliminary Plan by the Planning Commission, the subdivider shall post a bond acceptable to the City Attorney guaranteeing that the required improvements will be installed and paid for without cost to the City. Should the subdivider be allowed additional time to install improvements, the same shall be installed within 120 days after notice by the City to do so.~~

**Step 8.** Engineering Drawings (only required for detailed minor lots subdivision). See Section 32-9(4)

~~"As Constructed Plan". After the improvements have been installed, and prior to the final inspection and release of the bond, as herein provided, "As Constructed Plans" shall be prepared and submitted to the City Engineer, showing the location and details of design of all public facilities installed by the subdivider.~~

**Step 9.** Improvement Cost Estimate. (only required for detailed minor lots subdivision). The subdivider shall prepare and submit to the City Engineer an improvement cost estimate for all improvements shown on the engineering drawings including a 3% markup for Construction Management and a 0.5% markup for testing.

**Step 10.** City Engineer's Approval of the Engineering Drawings and Cost Estimate (only required for detailed minor lots subdivision). The City Engineer shall review and approve, or recommend changes consistent with City ordinances and adopted standards, to the proposed detailed minor lot subdivision's engineering drawings, soils report, design study reports and improvement cost estimate.

**Step 11.** Minor Lot Subdivision Final Plan and Deeds. Upon receiving the Planning Commission's approval of the Vicinity Plan for both simple and detailed minor lot subdivision and the City Engineer's approval of the engineering drawings, soils report, design study reports and improvement cost estimate for a detailed minor lot subdivision, the subdivider shall prepare and submit to the City Engineer one copy of the Final Plan and Deeds both in hard copy and electronic PDF format. Failure to submit a Final Plan within two (2) years of the date of approval of the Vicinity Plan shall terminate all proceedings and render all approval of the Vicinity Plan and Engineering drawings null and void.

The following information shall be submitted as part of the Final Plan:

1. A Final Plan shall be in the form of a Record of Survey that shall contain

the following information:

A. The location of the subdivision in relation to existing City streets and recognizable landmarks;

B. The layout of streets and lots within the area to be subdivided and how those streets and lots connect with existing streets within the subdivision including;

1. centerline bearings;

2. curve data;

3. widths;

4. street names and/or street numbers;

5. section corner tie;

6. right-of-way markers on state roads;

7. centerline monuments;

8. set and/or found corners, and;

9. other such information that may be necessary to fully and fairly describe the road;

C. parcel information for both new and remaining parcels including, but not limited to the following:

1. distances;

2. bearings;

3. legal description;

4. closure of the parcels;

5. the square footage of each parcel;

6. the frontage length of each lot along a dedicated City Street;

- \_\_\_\_\_ 7. parcel numbers;
- \_\_\_\_\_ 8. other similar information related to the subdivision of the parcel, and;
- \_\_\_\_\_ 9. parcel addresses.
- \_\_\_\_\_ D. detailed information including distances, monument tie, parcel line tie, bearings, and boundaries for the airport overlay zone;
- \_\_\_\_\_ E. The relationship of existing and planned streets within 200 feet from the outside boundaries of the entire subdivision;
- \_\_\_\_\_ F. The locations and sizes of the main water lines, main sewer lines, and storm drain facilities within the subdivision and within 200 feet of the boundary of the subdivision;
- \_\_\_\_\_ G. The location of any proposed and existing parks, open space, and trails within the land to be subdivided;
- \_\_\_\_\_ H. A title block containing the subdivider's name and the name, address, and phone number of the subdivider's engineer;
- \_\_\_\_\_ I. Surveyor's stamp and certification;
- \_\_\_\_\_ J. legal descriptions of the boundary and each parcel;
- \_\_\_\_\_ K. survey narrative;
- \_\_\_\_\_ L. basis of bearings, monuments, and elevations;
- \_\_\_\_\_ M. City zoning designation and boundaries within the subdivision;
- \_\_\_\_\_ N. FEMA flood zone designation and boundaries within the subdivision;
- \_\_\_\_\_ O. soils area designation;
- \_\_\_\_\_ P. survey monuments;
- \_\_\_\_\_ Q. if required, a certificate showing the acknowledgment and approval of the Electric Company, Gas Company, Telephone Company,

Cable Company, and other private providers of public utilities;

R. City Engineer's approval certificate;

S. City Attorney's approval certificate (Detailed Minor Lot Subdivisions only);

T. a certificate for the Planning Commission's approval;

U. show the building(s) existing on the property, and describe how these buildings(s) meet the following:

1. structural independence;

2. separate water service;

3. separate sewer service;

4. required setbacks;

5. required parking;

6. fencing;

7. landscape, curb, gutter, and sidewalk; and

8. any other requirement that may apply to the subdivision.

V. list the names of the adjacent property owners;

2. Signed and notarized recordable deeds necessary to transfer title to all lots and any easements associated with the minor lot subdivision.

**Step 12.** Final Plan and Deeds City Surveyor's Review. For both simple and detailed minor lot subdivisions the City Surveyor shall check the final plan and deeds for accuracy and completeness. The corrected final plan shall then be a plotted original on 24" X 36" mylar signed and stamped by the Surveyor and signed by all utilities if required, and then given to the City Engineer for his/her approval and signature.

**Step 13.** Performance Bonding and Fees (only required for detailed minor lot subdivisions). See Section 32-9(10 & 11).

- Step 14.** Filing Fee Collection by the City Engineer (only required for simple minor lot subdivisions) Upon receiving the filing fees and approving the final plan and signed and notarized deeds the City Engineer shall schedule simple minor lot subdivisions for review and approval by the Planning Commission.
- Step 15.** Bonding and Fee Collection by the City Attorney. (only required for detailed minor lots subdivision). Upon receiving the final plan, signed and notarized deeds, bond estimate and accrued review fees from the City Engineer for detailed minor lot subdivisions only, the City Attorney shall collect the required bonding amount, signed bond agreement and required fees and schedule the detailed minor lot subdivision for review and approval by the Planning Commission.
- Step 16.** Minor Lot Subdivision Planning Commission Approval. The Upon reviewing the final plan and deeds for a simple or detailed minor lot subdivision, the Planning Commission shall review and approve or disapprove the layout of the subdivision, or approve it subject to change or alteration. If the minor lot subdivision is approved, the record of survey shall be signed by the Planning Commission chairperson. Any deeds for the minor lot subdivision shall be stamped and signed by the Planning Commission chair. The record of survey shall be filed with the Iron County Engineering and Surveying office. The deeds shall be recorded with the Iron County Recorder. All recording shall be completed by the Subdivider.

**SECTION 32-57. Platted Subdivision Approval Procedure (10 Lots or More) for Obtaining Approval of a Subdivision**

- Step 1.** Discuss Proposed Subdivision with City ~~Engineer~~ Staff. Any person wishing to subdivide land within Cedar City, which requires the submission of a Final Plat, the subdivider shall secure from the City Engineer or other authorized representative of the Planning Commission, information pertaining to the City's plan of streets, sewer, water, drainage, parks, trails, drainage, zoning, subdivision of land, and other Master Plan requirements and the required water right conveyance to the City according to 32-9-19. affecting the land to be subdivided.
- Step 2.** Vicinity Plan. The subdivider shall then prepare a Vicinity Plan at a scale of not smaller than 1 inch = 100 feet, and shall submit one (1) copy of the same to the City Engineer. The vicinity Plan shall show:
1. A small map showing the location of the subdivision in relation to existing City roads and recognizable landmarks;
  2. The general layout of streets and lots within the area to be subdivided and how the streets and lots connect with existing or proposed streets and lots

within all phases of the subdivision;

3. The lot frontages (in lineal feet) and areas (in square feet) of the lots within the subdivision;

4. The relationship of existing and master planned streets within 500 feet from the outside boundaries of the entire subdivision;

5. The location of existing and proposed main water lines, main sewer lines, and storm drain facilities within the land to be subdivided;

6. The relationship of the main water lines, main sewer lines, and storm drain facilities to those existing or proposed main water lines, main sewer lines, and storm drain facilities within all phases of the subdivision;

7. The location of existing or proposed master planned main water lines, main sewer lines, and storm drain facilities within 500 feet from the outside boundaries of the entire subdivision;

8. The location of any existing and proposed and master planned parks, open space, and trails within the land to be subdivided;

9. Elevation contours at 2-foot intervals on NGVD 1929 Datum.

10. A title block containing the subdivision name, subdivider's name and the name, address, and phone number of the subdivider's engineer;

11. City zoning designation and boundaries within the subdivision;

12. FEMA flood zone designation and boundaries within the subdivision;

13. soils area designation;

14. survey monuments;

15. list of names of the adjacent property owners on their property.

**Step 3.** Vicinity Plan City Engineer Approval. The City Engineering Staff shall review; or recommend changes consistent with adopted City ordinances, engineering standards and City master plans; and approve the Vicinity Plan before submitting to the Planning Commission for review.

**Step 4.** File Planning Commission Application and Fees. Submit application to the City

Engineer and pay the applicable Planning Commission and filing fees according to the City's adopted fee schedule. Pursuant to the provisions of Title 10, Chapter 9a Section 509 of the Utah Code, upon submission of a complete application and payment of filing fees the Subdivider or Developer is entitled to substantive review of their application under the land use laws currently in effect.

**Step 5.** Vicinity Plan Planning Commission Approval. The Planning Commission shall review and give a positive or negative recommendation of the vicinity plan or recommend it to the City Council subject to changes or alterations. Where a subdivider owns or controls more land than is desired to be developed immediately, the Planning Commission or City Council may require that a Vicinity Plan of the whole area or a portion thereof be submitted, in which case the subdivider shall indicate on the Vicinity Plan the portion to be developed immediately, and the portion to be held for future development.

**Step 6.** Vicinity Plan City Council Approval. Upon receiving the Planning Commission's recommendation the Vicinity Plan shall be submitted to the City Council. The City Council may approve or disapprove the Vicinity Plan, or approve it subject to changes and alterations. Failure to submit a Final Plat within two (2) years of the date of approval of the Vicinity Plan shall terminate all proceedings and render all approval of the Vicinity Plan null and void.

**Step 7.** Preliminary Plan. Upon approval of the Vicinity Plan by the City Council, the subdivider shall prepare a Preliminary Plan of the subdivision and shall submit one (1) copy of the same for review and approval to the City Engineer. The preliminary plan shall include the following information:

1. a title block containing:
  - A. the name of the subdivision;
  - B. the location of the subdivision;
  - C. the date;
  - D. the scale;
  - E. the name of the engineer and/or surveyor;
  - F. sheet number;
2. a north arrow;



- \_\_\_\_\_ 3. the subdivision boundary with length and bearings;
- \_\_\_\_\_ 4. section tie including;
  - \_\_\_\_\_ A. monuments;
  - \_\_\_\_\_ B. line bearing/lengths;
  - \_\_\_\_\_ C. basis of bearings;
- \_\_\_\_\_ 5. adjacent owner names;
- \_\_\_\_\_ 6. names and widths of existing streets within 200 feet of the subdivision;
- \_\_\_\_\_ 7. existing culverts, channels, and basins;
- \_\_\_\_\_ 8. City zoning designation and boundaries within the subdivision;
- \_\_\_\_\_ 9. FEMA flood zones including zone designations, zone boundaries within the subdivision and flood elevations in NAVD 1929 datum;
- \_\_\_\_\_ 10. existing contours at 2 foot intervals;
- \_\_\_\_\_ 11. existing waterlines, valves, hydrants, and sizes within 200 feet;
- \_\_\_\_\_ 12. existing sewer lines, sizes, flow direction, and manholes within 200 feet;
- \_\_\_\_\_ 13. existing buildings within the subdivision;
- \_\_\_\_\_ 14. existing easements;
- \_\_\_\_\_ 15. proposed streets inside and outside the subdivision including;
  - \_\_\_\_\_ A. name and/or number (no duplicates with streets within Iron County);
  - \_\_\_\_\_ B. length and bearings;
  - \_\_\_\_\_ C. widths;
  - \_\_\_\_\_ D. intersection fillets;
- \_\_\_\_\_ 16. proposed water mains, locations, sizes, valving, and fire hydrants inside

and outside the subdivision;

17. proposed sewer lines, location, sizes, manholes inside and outside the subdivision;
18. proposed drainage system, line location, line sizes, manholes, curb inlets/outlets, channels and basins within or adjacent to the subdivision;
19. property easements for gas, water, sewer, phone, fiber, aviation, off-site utilities, and trails within the subdivision;
20. lot information including border lines (lengths and bearings), lot numbers, lot areas in square footage and lot frontage lengths;
21. location map;

Step 8. Soil Testing and Report Approval. See Section 32-9(1).

Step 9. Engineering Drawings. See Section 32-9(4).

Step 10. Improvement Costs Estimate. The subdivider shall prepare and submit to the City Engineer an improvement cost estimate for all improvements shown on the engineering drawings including a 3% markup for Construction Management and a 0.5% markup for testing.

Step 11. Preliminary Plan and Engineering Drawings City Engineer Approval. The City Engineer shall review; or recommend changes consistent with adopted City ordinances, engineering standards and City master plans; and approve the proposed Subdivision's Preliminary plan, Engineering drawing, soils report, design study reports and improvement cost estimate.

Step 12. Final Plat. Once a submitted preliminary plan, engineering drawings, soils reports, design study reports and the improvement cost estimate have been checked and approved by the City Engineer the subdivision can proceed with the Final Plat process. The subdivider shall then prepare and submit a copy of the final plat of the subdivision to the City Engineer. Failure to submit a Final Plat within two (2) years of the date of approval of the Vicinity Plan, and/or Engineering drawings, whichever is later, shall terminate all proceedings and render all approval of the Vicinity Plan, preliminary plan and Engineering drawings null and void.

The following information shall be submitted with the final plat:

1. A title report showing all water rights within the last 3 years that show the property as the point of use.
2. The final plat shall contain the following information:
  - A. title block including the subdivision name, subdivision location, date, scale, the identity and contact information for the engineer/surveyor, and sheet numbering;
  - B. a north arrow;
  - C. boundary legal description matching the preliminary plan that closes, and the total subdivision area expressed in terms of acres;
  - D. section ties including monuments, line bearing/length, and basis of bearing;
  - E. existing and platted streets including street names, street widths, and center line monuments;
  - F. existing and proposed occupation (fence) lines;
  - G. existing easements;
  - H. proposed street information including names and/or numbers, length/bearings, width, curve numbers and data table;
  - I. proposed easement information including location of all utility easements (utility easements include but are not limited to gas, water, sewer, phone, cable, fiber), location of mail boxes, size of easements, and all off-site easements;
  - J. lot information including border lines, lengths/bearings, numbers, areas expressed in both acres and square feet, addresses;
  - K. a vicinity map;
  - L. the airport overlay zone;
  - M. airport aviation easements in any approach zone including the boundary of the easement, the bearings/distance of the easement, monument ties, and lot line ties;

- N. if applicable, twin home lot division line;
- O. FEMA flood zones including zone designations, zone boundaries and flood elevations in NAVD 1929 datum;
- P. a soils notice stating words to the effect that a soils report has been required for the subdivision and that a copy of the report is available for review and inspection at the offices of the City Engineer;
- Q. insufficient sewer depth note;
- R. Other such information that is reasonable in the City Engineer's opinion based on adopted City ordinances, engineering standards and City master plans and the unique aspects of the subdivision.
- S. approval certificates for the following:
1. all utility companies (utility companies include but are not limited to gas, electric, telephone, cable television, post office, and fiber);
  2. surveyor;
  3. notarized owner's signature and dedication;
  4. City Engineer;
  5. City Attorney;
  6. Planning Commission Chairperson (referencing the Planning Commission's approval of the vicinity plan);
  7. Mayor;
  8. City Recorder; and
  9. County Recorder.

**Step 13.** City Engineer's Approval. The City Surveyor and Engineer shall check the final plat copies for accuracy and completeness, and shall determine the amount of bond or other performance guarantee, which shall be based upon the estimate of the cost of supplying and installing the required improvements as provided by the

subdivider's Engineer. The City Engineer shall calculate the City fees to be paid, and the required amount of water that needs to be conveyed to the City necessary to comply with the City's water acquisition ordinance prior to final plat approval. The corrected final plat shall then be a plotted inked original on 24" X 36" mylar signed and stamped by the Surveyor and signed and notarized by the owners, and signed by all utilities and then given to the City Engineer for his/her approval and signature. Upon calculation and/or approval of the bond amount, required City fees and water conveyance quantity the City Engineer shall forward all information to the City Attorney for collection and the scheduling of the matter for City Council review.

**Step 14.** Performance Bond, Fees, Title Report, Bond Agreement, Reimbursement Agreement, CC&R's, Water Conveyance, and other matters. Upon the City Attorney receiving the Final Plat and other information from the City Engineer the subdivider shall provide the following to the City Attorney for review and approval prior to the City Attorney scheduling the matter for Final Plat approval by the City Council:

1. Performance bonding as described in Section 32-9(10) guaranteeing the required improvements will be installed and paid for without cost to the City;
2. A title report. The title report is to be reviewed to verify ownership, taxes, including green belt roll back taxes, and special improvement district assessments are current, and to examine the liens that are on the property. All ownership in the title report must match the ownership on the plat. All taxes, including green belt roll back taxes, and special improvement assessments must be current;
3. Payment of all fees owed to the City pursuant to the City's adopted fee schedule. The fees shall include but not be limited to Planning Commission filing fee, plat and plan checking fees, pre-plat approval construction fees, utility line reimbursement fees, lift station up-grade fees, recording fees, inspection fees and water assessment fees;
4. If requested by the subdivider, an off-site utility extension reimbursement agreement shall be prepared by the City Attorney and signed by the subdivider;
5. Documentation of all conveyances of water rights to the City according to Section 32-9-19;

6. Original CC&R's ready for recording as deemed necessary by the City;

7. All outstanding matters must be completed prior to scheduling for City Council approval. These matters include but are not limited to the matters described above, Attorney letters certifying compliance with the Utah Condominium Act, verification of original deeds for easements, and any other matter that is required by the subdivision of the land.

**Step 15.** Final Plat Must Be Approved or Disapproved by City Council. After approved by the City Engineer and City Attorney, whichever approval is later, the Final Plat must be approved or disapproved by the City Council within 60 days of such approval. Upon approval of the Final Plat by the City Council, the City shall submit the Final Plat Mylar to the County Recorder for recording. All Final Plats must be recorded in the office of the Iron County Recorder not more than 30 days from the date of approval of the Final Plat by the City Council. A final Plat of any subdivision which is not recorded within 30 days from the date of approval of the City Council shall be null and void unless a longer period of time is approved by the City Council. Recordation of the Final Plat shall be deemed as acceptance of the dedication of any street, public way or ground.

Vicinity Plan. The subdivider shall then prepare a Vicinity Plan at a scale of not smaller than 1 inch = 100 feet, and shall submit three (3) copies of the same to the City Engineer. The Vicinity Plan shall show:

- \_\_\_\_\_ (1) The location of the subdivision;
- \_\_\_\_\_ (2) The general layout of streets, blocks and lots within and about the area to be subdivided included deeded access to State Highways, where applicable; and
- \_\_\_\_\_ (3) The relationship of the proposed streets within the subdivision to existing and planned streets within one-half mile from the outside boundary of the subdivision;

\_\_\_\_\_ The City Engineer shall then submit one copy of the Vicinity Plan to the Planning Commission for its review:

**Step 3. Planning Commission Approval.** The Planning Commission shall review and approve or disapprove the layout of the subdivision, or approve it subject to changes or alterations:

\_\_\_\_\_ **Step 4. Preliminary Plan and Engineering Drawings.** Upon approval of the Vicinity Plan by the Planning Commission, the subdivider shall prepare a Preliminary Plan of the subdivision and shall submit the same to the City Engineer along with the following information:

- \_\_\_\_\_ (1) A written application for approval of the subdivision on forms furnished by the City Engineer;
- \_\_\_\_\_ (2) Three (3) copies of the Preliminary Plan of the subdivision;
- \_\_\_\_\_ (3) Three (3) copies of Engineering drawings showing typical cross-sections of streets, curbs and gutters, and sidewalks, location and size of both "on-site" and "off-site" water and sewer mains, street profiles, contours, and other information or material required by the City Engineer, such as location of all utilities;
- \_\_\_\_\_ (4) The subdivider may obtain standard engineering drawings from the City Engineer, and submit the same as a part of the presentation;
- \_\_\_\_\_ (5) Soils report from Soils Engineers obtained by subdivider and review comments by the Soil Consultant retained by Cedar City; and
- \_\_\_\_\_ (6) The payment of a filing fee in the amount of \$400.00 or \$25.00 per lot, whichever is greater.

\_\_\_\_\_ Step 5. Planning Commission Approval of Preliminary Plan. The City Engineer shall then review the Preliminary Plan and shall submit the same to the Planning Commission which shall review said plan, and approve or disapprove the plan, or approve it with modifications within 30 days from the date of submission of the preliminary plan to the City Engineer.

\_\_\_\_\_ Action of the Planning Commission shall be written on the face of one copy of the plan which shall be retained in the files of the Planning Commission. If disapproved, the Planning Commission shall express its reason therefore to the subdivider.

\_\_\_\_\_ The Preliminary Plan, along with the Engineer drawings, shall be presented to the City Engineer at least 7 days prior to their presentation to the Planning Commission, and shall have been approved by the City Engineer.

\_\_\_\_\_ Where a subdivider owns or controls more land than is desired to be developed immediately, the Planning Commission may require that a Preliminary Plan of the whole area or a portion thereof be submitted, in which case the subdivider shall indicate on the Preliminary Plan the portion to be developed immediately, and the portion to be held for future development. Whenever final approval has been obtained on any part of the Approved Preliminary Plan, it shall remain in effect for a period of two years.

\_\_\_\_\_ Step 6. Final Plat. After the Preliminary Plan has been approved, the subdivider shall prepare and submit two tracings of the final plat of the subdivision to the City Engineer, together with all accompanying documents, as required by these regulations. (One of the tracings may be a process duplicate when approved by the City Engineer.) A written application for approval of the final plat on forms furnished by the City Engineer shall also be submitted with the final plat.

\_\_\_\_\_ Step 7. City Engineer's Approval. The City Engineer shall check the final plat tracings for accuracy and completeness, and shall determine the amount of bond or other performance guarantee, which shall be based upon the estimate of the cost of installing the required improvements as provided by the subdivider's Engineer.

\_\_\_\_\_ Step 8. Planning Commission Approval of the Final Plat. After the Final Plat has been

approved by the City Engineer, it shall be submitted to the Planning Commission for its approval or disapproval.

——— **Step 9. Performance Bond & Fees Submitted to City.** After approval of the Final Plat by the Planning Commission, the subdivider shall post a bond acceptable to the City Attorney guaranteeing the required improvements will be installed and paid for without cost to the City in an amount equal to or greater than the City Engineer's approved estimate for said improvements. The subdivider shall pay to the City Treasury all costs of checking the subdivision, which shall be computed on the basis of actual costs as determined by the City Engineer, in addition to all recording, plat checking and inspection fees required for the subdivision (as determined by the City Engineer).

——— **Step 10. City Attorney Approval.** A Preliminary Title Report or copy of a Title Insurance Policy indicating ownership of the property and Final Plat shall be presented to the City Attorney along with bond documents for review and approval.

——— **Step 11. Final Plat Must Be Approved by City Council and Recorded.** The Final Plat must be approved or disapproved by the City Council within 90 days. Upon approval of the Final Plat by the City Council, the Subdivider shall submit one copy of the Final Plat tracing to the County Recorder. All Final Plats must be recorded in the office of the Iron County Recorder not more than 30 days from the date of approval of the Final Plat by the City Council. A Final Plat of any subdivision which is not recorded within 30 days from the date of approval of the City Council shall be null and void unless a longer period of time is approved by the City Council. Recordation of the Final Plat shall be deemed as acceptance of the dedication of any street, public way or ground.

——— **Step 12. "As Constructed Plan".** After the improvements have been installed, and prior to the final inspection and releases herein provided, "As Constructed Plans" shall be prepared and submitted to the City Engineer, showing the location and details of all public facilities installed by the subdivider.

#### **SECTION 32-6 8. Soils Testing: Planned Unit Developments (PUD).**

As part of its subdivision approval process, the City Council may require that proposed subdivisions undergo soils testing to determine the susceptibility of the soil in said subdivision to soils problems, including but not limited to: subsidence, enlargement, hydro-compaction, settling, slippage, and sinking of soil in relation to construction thereon. In determining areas requiring such testing, the City Council shall rely upon the recommendations of the City Engineer, engineering consultants retained by Cedar City regarding soils conditions located within the City, and data and maps provided to Cedar City by federal and state governmental units such as the Bureau of Land Management, the Soil Conservation Service and the Utah Geological and Mineral Survey. The City Council shall determine the number, location, and size of test holes to be drilled in a given subdivision, based upon the information provided them by



the above sources. The test drilling shall then be conducted using one of the following methods:

~~—— A. The City Council shall retain engineering consultants to drill said test holes and make analysis and recommendations regarding the stability of the soil, its suitability for residential use, and structural requirements the soil may necessitate. Prior to drilling said test holes, an estimate of drilling costs will be made by Cedar City's engineering consultants, which amount shall be pre-paid to the City by the subdivider prior to actual drilling, if the subdivider elects to pursue approval of the subdivision. If the actual costs are less than the amount paid based on the estimate, the difference shall be returned to the subdivider; if more, the difference shall be paid by the subdivider to the City, prior to approval by the Council.~~

~~—— B. The subdivider may retain an engineering consultant to drill said test holes and make analysis and recommendations regarding the stability of the soil, its suitability for residential use, and structural requirements the soils may necessitate, but any such consultant so retained must first be approved by the City Engineer and the City Council of Cedar City. Those results and recommendations may be submitted to a second engineering firm retained by Cedar City for its additional analysis and recommendations regarding the stability of the soil, its suitability for residential use, and structural requirements the soil may necessitate. The cost of all engineering analysis shall be borne by the subdivider and payment for the second engineering opinion shall be prepaid by the subdivider to the City.~~

1. Purpose. The purpose of the Planned Unit Development (PUD) is to allow for flexible and efficient utilization of land in residential, industrial and commercial developments (consolidation of open spaces, clustering of dwelling units and efficient use of public facilities). It is intended that a PUD create attractive and desirable environments.

2. Uses.

A. PUD's shall be utilized in the process of annexing developed property where said development does not meet City Engineering Standards; in such case, the City reserves the right to require conversion of such developed property to a PUD as a condition of annexation.

B. PUD's may be allowed in residential, commercial and industrial zones, and the PUD development plan shall become supplementary to the provisions of the zone in which the PUD is located.

C. PUD's shall only be developed as residential attached town home and condominium developments, gated single and multi unit residential communities and commercial and industrial developments. Un-gated single unit housing developments shall not be allowed to develop as a PUD except for additional phases that are contiguous with and part of an

existing PUD or to facilitate the annexation of developed property where the City owned and maintained improvements do not meet Cedar City Engineering Standards.

D. Uses permitted in the PUD shall be limited to those uses permitted in the zone in which the PUD is allowed.

E. Conversion of existing buildings to a PUD shall conform to existing building codes and the provisions of this chapter.

3. Approval Procedure. The following is the procedure for PUD approval with specifics for each step set forth:

**Step 1.** Discuss Proposed PUD with City Engineer : Any person wishing to develop a PUD within Cedar City shall secure from the City Engineer information pertaining to the City's plan of streets, parks, drainage, zoning, subdivision of land, and other Master Plan requirements affecting the land to be subdivided.

**Step 2.** File Planning Commission Application and Fees: The filing fee required for a PUD is per the City's adopted fee schedule and shall be submitted with the Planning Commission application. Pursuant to the provisions of Title 10, Chapter 9a Section 509 of the Utah Code, upon submission of a complete application and payment of filing fees the City will consider the Subdivider or Developer entitled to substantive review of their application under the land use laws currently in effect.

**Step 3.** Vicinity Plan: The developer shall then prepare a Vicinity Plan of the PUD and present the same to the City Engineer. The Vicinity Plan shall be drawn to a scale not smaller 60 feet to the inch, and be on standard 24" X 36" paper. Each sheet of the Plan shall contain the scale of the drawing, the sheet number and an arrow indicating north. The Vicinity Plan shall also contain the following information:

1. The proposed name of the development;

2. Where the submitted plan covers only a part of the development's tract, or is part of a larger vacant area, the plan shall show the location of the development as it forms part of a larger tract. In such case, a sketch of the prospective street system of the remaining area shall be submitted;

3. A vicinity map containing sufficient information to accurately locate the property shown on the vicinity map;

4. The names and addresses of the owner(s), the developer, the engineer and

surveyor of the development;

5. The boundary lines of the tract to be developed;
6. City zoning designation and boundaries within the PUD;
7. FEMA flood zone designation and boundaries within the PUD;
8. The unit or lot dimensions and square footage of each unit or lot;
9. Existing curbs, gutters, sidewalks, sanitary sewers and manholes, storm drains and manholes, water supply main valves, culverts, and fire hydrants within the tract or within 200 feet of the proposed PUD (the dimensions of all such improvements shall also be indicated);
10. The location, width and other dimensions of proposed curbs, gutters, sidewalks, streets, easements, parks, and other open spaces, and designation of any land to be dedicated to the City;
11. The location of all existing or recorded streets, alleys and easements, water courses, ditches, public utilities and other important features, and existing structures within the development or within 200 feet thereof, and the location and distance to the nearest existing bench mark or monument and section line;
12. Boundary lines of adjacent tracts of land, showing ownership and property monuments;
13. A tabulation of each proposed use by acreage and its percentage of the total acreage;
14. Parks, playgrounds, common areas and facilities, and other appurtenances within the PUD;
15. Location of all dwellings and other structures within the development, the common areas, and other areas of private ownership;
16. The following shall also be submitted with the Vicinity Plan:
  - A. Any request for proposed zone change if necessary;
  - B. An overall Project Analysis describing the concepts the developer proposes to implement with the project development, including but

not limited to:

1. An expected buyer profile, including selling price range of units.
2. Project description indicating the general configuration for the project (i.e., single family, townhouses, condominiums, etc.) with the proposed plan for landscaping, mailboxes, street lighting, and walkways.
3. Proposed budget for common area amenities and landscaping, and infrastructure, including construction, as well as operations and maintenance projections; and
4. Project construction phasing and time schedule, for infrastructure; landscaping, buildings, amenities, etc.

C. Identification of all variations to the development standards of the underlying zone, including, but not limited to:

1. Road widths and street setbacks, according to City Standards.
2. Location of buildings and structure or front, side, and rear yard setback requirements;
3. Lot area requirement (lot size and width);
4. Building sizes (minimum and/or maximum ground floor and multi-level); and,
5. Building heights (maximum); and
6. Supplementary regulations or special provisions.

**Step 4. ~~Step 3.~~ Planning Commission Approval.** The Public Notification: Any application for a PUD must comply with the following notice requirements 48-hours prior to the Planning Commission Work Meeting for the Vicinity Plan:

1. Notice by the Petitioner shall be given to all property owners of record within a 300-foot radius from the boundary of the proposed PUD. Said notice shall be sent certified mail by the Petitioner to said property owners, or hand-delivered to the property owners (certificate of hand-delivery to be

filed with City Engineer) in accordance with the most current Iron County Assessment Roll;

2. The posting of a sign(s) by the City on the proposed PUD site. The sign(s) shall be posted in a conspicuous place at all points where City Streets intersect, within 10-feet of the street right-of-way line. The sign(s) shall be at least 24 inches square and be labeled with 2-inch high letters reading "PROPOSED PLANNED UNIT DEVELOPMENT" with the PUD notice stapled below, and;
3. When reviewing the Vicinity Plan of a PUD the Planning Commission shall hold a public hearing (requiring appropriate notice and advertizing) before submitting recommendations to the City Council.

**Step 5.** Vicinity Plan Planning Commission Recommendation: After approval by the City Engineer, the Planning Commission shall review and recommend or not recommend the PUD Vicinity Plan to the City Council, or recommend it subject to changes or alterations. The Planning Commission may recommend in concept the Vicinity Plan provided they find:

1. That the proposed development will provide an environment at least as attractive as would be provided by a conventional development established under the application of the provisions of the underlying zone;
2. That the PUD project will provide efficient use of the land and useable open space as outlined in this chapter;
3. Before the Planning Commission meeting the developer shall also present the Vicinity Plan of the PUD to the City Sketch Review Board for their comments, with said comments reported to the Planning Commission;
4. That any variation allowed from the development standards of the underlying zones are clearly identified and do not create unreasonable hazards to the health, safety and general welfare of the residents of the proposed PUD and adjacent areas.

**Step 6.** Vicinity Plan City Council Approval. Upon receiving the Planning Commission's recommendation the Vicinity Plan shall be submitted to the City Council. The City Council may approve or disapprove the Vicinity Plan, or approve it subject to changes and alterations. Failure to submit a Final Plat of the PUD within two (2) years of the date of approval of the Vicinity Plan shall terminate all proceedings and render all approval of the Vicinity Plan null and void. Where a developer owns or controls more land than is desired to be developed immediately, the

Planning Commission or City Council may require that a Vicinity Plan of the whole area or a portion thereof be submitted, in which case the developer shall indicate on the Vicinity Plan the portion to be developed immediately, and the portion to be held for future development.

**Step 7.** Preliminary Plan. Upon approval of the Vicinity Plan by the City Council, the Developer shall prepare a Preliminary Plan of the PUD and shall submit two (2) copies of the same for review and approval to the City Engineer. The preliminary plan shall include the following information;

1. a title block containing;

A. the name of the PUD;

B. the location of the PUD;

C. the date;

D. the scale;

E. the name of the engineer and/or surveyor;

F. sheet number;

2. a north arrow;

3. the PUD boundary with length and bearings.

4. section tie including;

A. monuments;

B. line bearing/lengths;

C. basis of bearings;

5. adjacent owner names;

6. names and widths of existing streets within 200 feet of the PUD;

7. existing culverts, channels, and basins;

8. City zoning designation and boundaries within the PUD;

9. FEMA flood zone designation and boundaries within the PUD;
10. existing contours at 2 foot intervals;
11. existing waterlines, valves, hydrants, and sizes within 200 feet;
12. existing sewer lines, sizes, flow direction, and manholes within 200 feet;
13. existing buildings within the PUD;
14. existing easements within the PUD;
15. proposed streets including;
  - A. name and/or number (no duplicates with streets within Iron County);
  - B. length and bearings;
  - C. widths;
  - D. intersection fillets;
16. proposed water mains, locations, sizes, valving, and fire hydrants;
17. proposed sewer lines, location, sizes, manholes;
18. proposed drainage system, line location, line sizes, manholes, curb inlets/outlets, channels and basins;
19. property easements for gas, water, sewer, phone, fiber, avigation, off-site utilities, and trails;
20. lot and unit information including border lines (lengths and bearings), lot or unit numbers, area in square footage;
21. location map;

**Step 8.** Soil Testing and Report Approval. See Section 32-9(1).

**Step 9.** Engineering Drawings - See Section 32-9(4)

**Step 10.** Improvement Costs Estimate. The Developer shall prepare and submit to the City Engineer separate improvement cost estimates for the private and City owned and maintained improvements as shown on the engineering drawings including a 3% markup for Construction Management and a 0.5% markup for testing.

**Step 11.** Preliminary Plan and Engineer Drawings City Engineer Approval. The City Engineer shall review and approve the proposed PUD's Preliminary plan, Engineering drawing, soils report, design study reports and improvement cost estimate.

**Step 12.** Final Plat: Once a submitted preliminary plan, engineering drawings, soils reports, design study reports and the improvement cost estimate have been checked and approved by the City Engineer the PUD can proceed with the Final Plat process. The developer shall then prepare and submit a copy of the Final Plat of the subdivision to the City Engineer. The Final Plat shall contain the following information:

1. The name of the development;
2. A north arrow, the scale of the drawing and the date of preparation of the plat;
3. All lot or unit sizes, which shall be indicated by square feet;
4. Accurately drawn boundaries showing the proper bearings and dimensions of all boundary lines of the PUD, (properly tied by reference to a public survey monument - these lines shall be heavier than street and lot lines);
5. The names, widths, lengths, bearings and curve data of said streets, public utility and irrigation easements, and the boundaries, bearings and dimensions of all portions within the subdivisions intended to be dedicated to the use of the public, and the lines, dimensions, bearings and numbers of all units, lots, blocks and parts reserved within the PUD (all lot, blocks and streets shall be numbered in accordance with the street numbering system adopted by the City);
6. A licensed land surveyor's "Certificate of Survey";
7. The description of the boundaries of the development together with a certification by the Subdivider's engineer or land surveyor stating that the lots and units described fully comply with the requirements of this ordinance;
8. The owner's Certificate of public and private dedications as required by



Cedar City;

9. The signature of every person who owns property within the development and a notary public's acknowledgment of all signatures;
10. A signature line of the Planning Commission Chair;
11. A signature line for the Mayor and City Recorder;
12. A signature line for the City Engineer and City Attorney;
13. A signature line for all utility companies and the postal service;
14. A notice of all covenants, conditions and other restrictions which may be relevant and applicable to the property contained in the plat;
15. Designation of common areas and private ownership areas;
16. Identification of common landscaped areas, parking areas, driveways and other features required by this Section;
17. Footprint drawings of all buildings and building elevations where required;
18. City zoning designation and boundaries within the PUD;
19. FEMA flood zone designation and boundaries within the PUD;
20. Plat restrictions, lot restrictions and other information required by the Planning Commission and/or City Council;
21. Other such information that is reasonable in the City Engineer's opinion based on adopted City ordinances, engineering standards and City master plans and the unique aspects of the subdivision.
22. In the case of a PUD/Condominium project, the preliminary plat shall so indicate and comply with step 15 at final plat.

**Step 13.** City Engineer's Approval. The City Surveyor and Engineer shall check the final plat copies for accuracy and completeness, and shall determine the amount of bond or other performance guarantee, which shall be based upon the estimate of the cost of installing the required improvements as provided by the Developer's Engineer. The City Engineer shall calculate the City fees to be paid, and the required amount of water that needs to be conveyed to the City necessary to

comply with the City's water acquisition ordinance prior to final plat approval.  
The corrected final plat shall then be a plotted original on 24" X 36" mylar signed  
and stamped by the Surveyor, and signed and notarized by the owners, and signed  
by all utilities and then given to the City Engineer for his/her approval and  
signature. Upon calculation and/or approval of the bond amount, required City  
fees and water conveyance quantity the City Engineer shall forward all  
information to the City Attorney for collection and the scheduling of the matter  
for City Council review.

**Step 14. Performance Bond, Fees, Title Report, Bond Agreement, Reimbursement**  
**Agreement, CC&R's, Water Conveyance, and other matters.**

Upon the City Attorney receiving the Final Plat and other information from the  
City Engineer the developer shall provide the following to the City Attorney for  
review and approval prior to the City Attorney scheduling the matter for Final Plat  
approval by the City Council:

1. Performance bonding as described in Section 32-9(10) guaranteeing the  
required improvements will be installed and paid for without cost to the  
City;
2. A title report. The title report is to be reviewed to verify ownership, taxes,  
including green belt roll back taxes, and special improvement district  
assessments are current, and to examine the liens that are on the property. All  
ownership in the title report must match the ownership on the plat. All taxes,  
including green belt roll back taxes, and special improvement assessments  
must be current;
3. Verification of payment of all fees owed to the City pursuant to the City's  
adopted fee schedule. The fees shall include but not be limited to Planning  
Commission filing fee, plat and plan checking fees, pre-plat approval  
construction fees, utility line reimbursement fees, lift station up-grade fees,  
recording fees, inspection fees and water assessment fees;
4. If requested by the subdivider, an off-site utility extension reimbursement  
agreement shall be prepared by the City Attorney and signed by the  
subdivider;
5. Documentation of all conveyances of water rights to the City according to  
Section 32-9-19;
6. Original CC&R's ready for recording as deemed necessary by the City;

7. All outstanding matters must be completed prior to scheduling for City Council approval. These matters include but are not limited to the matters described above, Attorney letters certifying compliance with the Utah Condominium Act, verification of original deeds for easements, and any other matter that is required by the subdivision of the land.

**Step 15.** City Attorney Approval. A current Title Report or copy of a Title Insurance Policy indicating ownership of the property, Declaration of Covenants, Conditions and Restrictions, required bonding, bond agreement, receipt verifying payment of fees and Final Plat shall be presented to the City Attorney for review and approval. Where covenants, conditions and restrictions are imposed upon a PUD, two copies of the Declaration of Covenants, Conditions and Restrictions shall be submitted to the City, signed and prepared for recording at the Iron County Recorder's Office prior to approval of the final plat. In the case of a PUD condominium project, the developer shall submit to the City Attorney a written statement by an attorney who is licensed to practice in the State of Utah. This written opinion shall state that the condominium declaration, the record of survey map, and other supporting documentation comply in all respects with the Utah Condominium Ownership Act, as well as all applicable federal, state and local laws and ordinances, and that when the condominium declaration and survey map have been recorded in the office of the Iron County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.

**Step 16.** City Council Approval of Final Plat. After approval of the Final plat by the City Engineer and City Attorney, the City Council shall approve or disapprove the same. The City Council shall consider approving the Final Plat of the PUD in a manner consistent with state law provided it finds:

1. That all requirements of the Planning Commission have been incorporated into the Final Plat; and
2. That all Engineering Drawings of the PUD have been approved by the City Engineer.
3. In authorizing any PUD the City Council may impose conditions reasonably connected and necessary to mitigate adverse impacts.

**Step 17.** Recordation of Final Plat. The Final Plat shall be recorded by the City after all signatures are obtained, all approvals are given, and all bonds and fees are posted with the City.

4. PUD Development Standards and Requirements.

A. Variations from the development standards of the underlying zone in which the PUD is located may be permitted by the City Council provided the variations are specifically adopted by the City Council as part of the approved development plan or approved supporting documents. Variations shall not include changes in the permitted uses allowed except to the extent set forth herein. The development standards set forth herein are not subject to variations permitted by the City Council.

B. The maximum residential density as defined below in lots and/or units per net acre for a PUD shall be as follows:

R-1	Same as the underlying zone
R-2-1	Same as the underlying zone
R-2-2	Same as the underlying zone
R-3-1	Same as the underlying zone
R-3-multi	Same as the underlying zone
RE	Same as the underlying zone
Commercial	Same as the underlying zone
Industrial	N/A

C. Structure Setbacks.

1. Residential - No structures shall be set back less than 20 feet from the right-of-way line of a dedicated street.
2. Commercial/Industrial - all setbacks shall be as required in the underlying zone, subject to required utility easements.
3. Building setbacks along the perimeter property lines of a residential PUD shall be 10 feet, except within 100 feet of where the perimeter property lines intersect the public street right-of-way the minimum setback shall be 20 feet. Building setbacks in Industrial and Commercial PUD's shall be according to the requirements of the underlying zone.
4. When an existing building is converted to a PUD and the building is nonconforming because of setback requirements and utility easements, the building shall be allowed to continue as a nonconforming PUD relative to the same setback and utility easement requirements/deficiencies. All utilities shall be placed underground, where practical, as determined by the Project Review Board.

D. All PUD developments shall be served by the public sewer system and public water supply. All newly constructed utilities shall be placed underground. City

utilities shall be metered as determined in Project Review Board. Each building shall be served by a separate sewer lateral, sized according to applicable code. Back-flow prevention valves shall be required in accordance with the applicable code.

E. All PUD common street, drainage, water and sewer improvements shall be designed and installed and inspected according to applicable codes and standards.

F. Fences. A six-foot high sight obscuring masonry fence shall be erected on the perimeter of all Residential PUD projects. Fences shall be setback a minimum of 10 feet from the right-of-way line of a dedicated street. The fence setback area shall be landscaped.

G. Landscaping. In commercial or industrial PUD's, and residential PUD's, permanent landscaping requirements shall be satisfied by the landscaping requirements of the underlying zone.

H. Parking. The parking of any PUD shall be the same as the parking requirements of the underlying zone.

I. Private (non-dedicated) Streets.

1. All streets within a PUD shall have a minimum paved width according to City Engineering Standards. Streets do not include parking lot driveways.

2. A private street will not extend to or provide service to another property not included in a phase of the PUD.

3. Private streets are entered from the public streets by a drive-way type entrance and are posted as private streets. Entrances shall be designed in accordance with City Engineering Standards.

4. Private streets are not maintained by the City.

5. When a PUD entrance occurs at the end of a City Street the developer shall provide for a dedicated, City Standard Cul-de-sac or equivalent turn-around.

6. As part of the PUD approval process and in order to provide legal public access to adjoining properties or to conform with the City's Street master plan, the City can require any street in the PUD to be a dedicated City street with widths and improvements according to City Engineering Standards.

- J. All storage and solid waste receptacles which serve multiple units and which are not located within a building shall be enclosed within a site obscuring fence or fence compatible with the design of the development.
- K. A PUD may restrict the storage of recreational vehicles within the PUD in the restrictions and covenants of the project. Combined recreational vehicle storage areas in excess of 560 square feet shall be enclosed in a 6 foot high site obscuring fence.
- L. PUD plats prepared for filing shall be required to show the following minimum utility easements and required dedications to the public:
1. All private streets;
  2. Minimum ten-foot utility easement on each side of all streets;
  3. Minimum seven and one-half foot utility easement around the perimeter of the PUD. In a Commercial or Industrial zone, the City Council may grant an exception to said easement requirement, after a recommendation by the Project Review Board and the Planning Commission, and each city franchised utility has waived in writing their need for the easement; and,
  4. All public dedications for streets, trails, drainage, utilities, parks, etc. Said utility easements shall be for the purpose of installing and maintaining utility lines as required by the utility owners. Prior to filing of a Planned Unit Development plat, all utilities currently operating in Cedar City, Utah under a franchise agreement with the City, shall acknowledge by signature on the plat that they have approved said utility easements, and guarantee their utility improvements will be installed by and maintained.
- M. The declaration of Covenants, Conditions and Restrictions (CC&R's) shall include:
1. A statement of maintenance responsibilities and estimated maintenance budget for all private common improvements, i.e. streets, drainage, sewer, water, landscaping, parks, trails, recreational facilities, club houses, parking areas, fencing, solid waste and other storage areas, etc.;
  2. A statement limiting units available for rent or lease to be less than 30% of the total livable units in the PUD.

**SECTION 32-7. 9. Approval Subdivision and PUD General Requirements.**

The City Council of Cedar City may either approve or disapprove the application of a subdivision in which a soils test has been required after considering the findings and recommendations of the report.

Engineering reports as required in the above section shall be considered by the City Council and if deemed appropriate, may be adopted by the Council as specific regulations to be followed in the construction of any buildings in the subdivision as outlined in Section 32-8 below. Additionally, copies of an engineering report adopted by the City shall be retained by the subdivider at its principal place of business for review and inspection by purchasers and the general public. It shall also be filed with the City Building Inspector and City Recorder of Cedar City, Utah.

A subdivision plat of a subdivision so approved shall contain a Notice stating words to the effect that a soils test has been required of a subdivision and that a copy of the report is available for review and inspection at the offices of the subdivider, whose address shall be listed at the end of said Notice, and with the Building Inspector and the City Recorder of Cedar City, Utah.

1. The following are the General Requirements for the development of subdivisions and/or PUDS as indicated:

A. Soils Report Compliance- the City Council requires that all proposed detailed minor lot subdivisions, platted subdivisions and PUDs undergo soils testing to determine the susceptibility of the soil in said subdivisions or PUDs to soils problems, including but not limited to: subsidence, enlargement, hydro-compaction, settling, slippage, and sinking of soil in relation to construction thereon or any other soil related condition that may pose a present or future threat to buildings or infrastructure constructed thereon. The subdivider or developer shall retain a geotechnical engineering consultant to drill sufficient test pits and bore holes and make analysis and recommendations concerning the requirements to use the soil as the supporting structure for City streets, curb, gutter, sidewalk, utilities and other right-of-way improvements and for public and private buildings. Any such consultant so retained must first be approved by the City Engineer of Cedar City. The following details how the soils report will be reviewed by the City and used by the subdivider or developer in designing the subdivision or PUD:

1. Upon approval of the Vicinity Plan of a detailed minor lot subdivision or platted subdivision, or a PUD the subdivider or developer shall provide the City Engineer with two (2) copies of the proposed subdivision's soils report containing the testing, analysis and recommendations of the geotechnical engineer. The Soils Report may be submitted to a second geotechnical engineering firm retained by Cedar City for its comments and recommendations regarding the findings and recommendations of the original soils report. The cost of all engineering analysis shall be borne by the subdivider or developer and payment for the second engineering

opinion shall be prepaid by the subdivider to the City.

2. After reviewing the original soils report and the second opinion of a detailed minor lot subdivision, the City Engineer may present the findings of the reports to the Planning Commission and/or City Council. The Planning Commission and City Council may either approve or disapprove the application for a subdivision or PUD in which a soils report has been required after considering the findings and recommendations of the original Soils Report and any required second opinion.

3. In all subdivisions and PUDs, all right-of-way improvements, all public utilities, other public improvements and private structures erected within a subdivision or PUD in which a soils report has been required and approved by the City must be built in accordance with the findings of the approved soils report. This shall be in addition to all other building code requirements. The Building Inspector shall have the authority to deny a building permit to a builder proposing to erect a structure within a subdivision or PUD that does not comply with the approved soils report. The City Engineer shall assist the Building Inspector in determining the compliance of buildings with the engineering report. The City Building Inspector shall maintain a complete copy of the soils report for inspection and review by the general public and for the City's use in performing the duties of the City Building Inspector.

4. Violations of this section shall constitute a Class B Misdemeanor.

B. Standards and Specifications- Engineering standards containing specifications for materials and installation of the required improvements to be owned and maintained by the City in subdivisions and PUDs shall be prepared by the City Engineer. Such engineering standards shall be approved by the Planning Commission and City Council and shall be adopted by resolution of the City Council. Said standards shall be considered minimum and shall apply under all ordinary circumstances; provided, however, that where the subdivider can show that a provision of these general requirements and design standards would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the City Council, a departure may be made without destroying the intent of such provisions, the City Council may authorize a variance. Any variance so authorized shall be stated on the final plat and the reasons for such departure shall be entered in writing in the minutes of the City Council. Otherwise, all improvements shall be installed in accordance with City Engineering Standards.

C. Required Subdivision Improvements. The following improvements shall be



required in all subdivisions and also PUDs where specifically indicate herein:

1. All streets shall have sub-base, and minimum two and one half (2 ½) inch oil mat from curb to curb in accordance with Cedar City's engineering standards;
2. Signs in accordance with Cedar City's engineering standards;
3. Street drainage and drainage structures shall be provided in accordance with Cedar City's engineering standards and City storm drain system master plans;
4. The subdivider shall install sanitary sewers as approved by the City Engineer accordance with Cedar City's engineering standards and City sewer system master plans;
5. Water mains having a diameter of not less than eight (8) inches shall be installed in accordance with Cedar City's engineering standards and City water system master plans;
6. Easements shall be provided, and fire hydrants and water meters installed to City specifications;
7. Curbs and gutters shall be installed in accordance with Cedar City's engineering standards;
8. Underground utilities shall be installed within the subdivision (these utilities shall include electricity, natural gas, telephone, cable T.V. and street lights; a subdivider may have the option of installing appropriate overhead utilities in any portion of the subdivision in which overhead utilities existed at the time of the presentation of the vicinity plat where such utilities could serve that portion of the subdivision);
9. Sidewalks for the entire subdivision where streets front lots in the subdivision shall be installed in accordance with Cedar City's engineering standards. Where a street does not front lots on both sides, the sidewalks along the side of the street not fronting lots can be omitted;
10. For Subdivisions and PUDs neighborhood delivery and collection box units (NDCBU) shall be installed (the location of the NDCBU'S shall be designated on the final plat after consultation by subdivider with the United States Postal Service and an appropriate easement provided therefore);

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11. Street lights in accordance with Cedar City's engineering standards unless prohibited by recorded CC&Rs for the subdivision;
  12. Six foot high site obscuring fences on lot lines of back yards of double fronted lots where the back yard is boarded by a City street;
  13. Subdivisions and PUDs will be required to leave in place any existing and required un-paved, 20 foot minimum width, wild land accesses to any public property. Subdivisions and PUDs will be required to design streets to connect to the existing and required wild land accesses. The wild land accesses shall not included as part of a lot.
  14. For Subdivisions and PUDs off-site access streets as follows:
    - A. Where off-site access streets to the subdivision or PUD extend through the subdivider's or developer's property the street shall be fully improved with pavement and curb and gutter, not including sidewalk;
    - B. Where off-site access streets to the subdivision or PUD extend through property not owned by the subdivider or developer the street shall be paved 13 feet on each side of the street centerline and be dedicated the required full width with the required public utility easements on both sides of the street.
    - D. Engineering Drawings - Upon receiving the Planning Commission's approval of the Vicinity Plan and soils report for detailed minor lot subdivisions, platted subdivisions and PUDs the subdivider or developer shall have an engineer licensed in the State of Utah prepare and stamp one (1) copy of engineering drawings showing a detailed design of all the required subdivision or PUD City and common improvements as listed in Section 32-9(3). The engineering drawings shall be reviewed and initialed by the design engineers's internal checker and shall conform to all City Ordinances, City Engineering Standards, City Master Plans, sound engineering practices, other local, state and federal regulations, soils report recommendations and other requirements of the City Engineer that are based on adopted Cedar City land use regulations. Design study reports for drainage, water, sewer, and traffic may also need to be submitted when requested by the City Engineer. Whenever final approval has been obtained from the City Engineer on the Engineering Drawings the approval shall remain in effect for a period of two (2) year. If construction has not began before the 2 year period elapses, the City Engineer has the right to have the drawings updated to the current Cedar City Engineer Standards if effect at that time.

- E. Parks, School Sites, Other Public Space- In subdividing property, consideration shall be given to sites for schools, parks, playgrounds, and other areas for public use, as shown on the Master Plan. Any provisions for such open spaces should be indicated on the Vicinity Plan in order that the City may determine when and in what manner such areas will be dedicated to, or required by, the appropriate agency.
- F. Water Pressure- No subdivision shall be approved in an area in which the water pressure at the highest spot in said subdivision has less than 40 p.s.i. with the water tank serving said area containing the amount of one (1) foot of water in said tank, unless said subdivision installs a water system consisting of either additional storage, booster pumps, or other requirements as determined to be necessary by the City Engineer to provide service to areas within said subdivision not meeting the 40 p.s.i. requirement.
- G. Access- All subdivisions shall have access to a dedicated, paved, City street or state highway. If these conditions do not exist, the subdivider will be required to obtain such access before final plat approval and make improvements before the subdivision is accepted.
- H. Minimum Public Utility Easements on Residential Lots. Residential subdivision plats prepared for filing shall be required to show the following minimum width utility easements:
1. Residential Lots:
    - A. Minimum ten-foot utility easement on the front lot line;
    - B. Minimum five-foot utility easement on the side lot line of subdivision perimeter lots; and
    - C. Minimum seven and one-half foot utility easement on the rear lot line.
  2. Commercial and Industrial Lots- Minimum twenty-foot easement on front lot line.
  3. Said utility easements shall be for the purpose of installing and maintaining utility lines as required. Prior to filing of any residential subdivision plat, all utilities currently operating in Cedar City, Utah, shall acknowledge by signature on the plat that they have reviewed said utility easements, and guarantee their utility improvements will be installed.

- I. Cost Sharing of Improvements. Cost of on-site and off-site improvements, which are covered under the provisions of this section, as well as the cost of other improvements, which the subdivider is required to install, shall be shared between the subdivider and the City, according to the following schedule:

<u>FACILITY</u>	<u>SUBDIVIDER</u>	<u>CITY</u>
<u>Easements and rights-of-way.</u>	<u>100%</u>	<u>0%</u>
<u>Grading and drainage of streets.</u>	<u>100%</u>	<u>0%</u>
<u>Bridges.</u>	<u>100% for all local and Collector streets.</u>	<u>0% (on-site and off site)</u>
<u>Street and paving.</u>	<u>100%</u>	<u>100%</u>
	<u>For minor collector widths in residential areas and for collector widths in indust-</u>	<u>for widths above minor collector widths in residential areas and for collector widths</u>
<u>Curb, gutter, curb cuts, driveways and cross gutters.</u>	<u>100%</u>	<u>0%</u>
<u>Sidewalk.</u>	<u>100%</u>	<u>0%</u>
<u>Street Signs.</u>	<u>100%</u>	<u>0%</u>
<u>Electric utilities, Natural Gas, Telephone,/Communications, Cable T.V., and Streetlight wiring.</u>	<u>100%</u>	<u>0%</u>
<u>Street Light system.</u>	<u>100%</u>	<u>0%</u>
<u>Water System</u>	<u>100% up to and including the diameter required for subdivision, 8" minimum.</u>	<u>All required oversize in excess of the diameter required for subdivision that is eligible for the impact fee reimbursement.</u>
<u>Fire Hydrants.</u>	<u>100%</u>	<u>0%</u>
<u>Pressure irrigation system</u>	<u>100%</u>	<u>0%</u>

<u>FACILITY</u>	<u>SUBDIVIDER</u>	<u>CITY</u>
<u>Sanitary Sewer System</u>	<u>100% up to and including the diameter required for subdivision, 8" minimum.</u>	<u>All required oversize in excess of the diameter required for subdivision that is eligible for the impact fee reimbursement.</u>
<u>Storm drains, canals and Flood Channel Systems.</u>	<u>100% up to and including the size required for subdivision, 24" minimum.</u>	<u>All required oversize in excess of the diameter required for subdivision that is eligible for the impact fee reimbursement.</u>
<u>Parks.</u>	<u>Special negotiations with City Council.</u>	<u>Special negotiations with City Council.</u>
<u>Fences.</u>	<u>100% for rear yard lot line fences on double fronted lots.</u>	<u>0%</u>
<u>Wild Land Access</u>	<u>100%</u>	<u>0%</u>
<u>Inspection and Materials Testing</u>	<u>100%</u>	<u>0%</u>
<u>1.</u>	<u>Exception is made when street is Federal or State Highway where City will not participate.</u>	
<u>2</u>	<u>Whenever any off-site property is benefitted by the installation of any of the required improvements, the subdivider or developer, prior to recording the final plat, may sign an agreement with Cedar City providing that they shall be reimbursed for the expenses incurred for installing the improvements. After the improvements are installed and accepted by Cedar City, the subdivider or developer can begin receiving reimbursement amounts according to the agreement. These reimbursement amounts shall be collected and be paid by Cedar City to the subdivider that paid for the installation of the improvements. Such reimbursement shall extend until the subdivider or developer has been completely reimbursed without interest for the money expended for installing the improvements, or for a ten year period from the time the reimbursement agreement is executed, whichever occurs first. Reimbursement shall only be collected from off-site property owners</u>	

whose property fronts the installed improvements. The reimbursement for the fronting off-site property shall be calculated on a front foot basis and shall be 50% of the installation costs for street light, water, sewer and storm drain improvements that front the off-site property and 100% of the installation costs for bridge, street, curb, gutter, sidewalk and sign improvements that are on the off-site fronting property's side of the road centerline. This reimbursement shall not eliminate the requirement to pay impact or other required City fees.

3. Improvements eligible to be paid for with impact fees shall be reimbursed by the City to the subdivider or developer. This impact fee reimbursement shall be based on the actual cost of installation including engineering and be subject to availability of impact fee funds.

J. Guarantee of Performance. For all required City owned and maintained improvements in detailed minor lot subdivisions, City owned and maintained platted subdivisions and PUD's and common improvements in residential PUDs the subdivider or developer will be required to post a bond with the City guaranteeing the required improvements will be installed and paid for without cost to the City. Such bonds shall be posted and administered as follows:

1. Type and Amount of Guarantees. The type of guarantee for the subdivision or PUD improvements may be in the form of a cash bond or letter of credit from an acceptable financial institution in an amount equal to the cost of the required utilities and improvements as approved by the City Engineer. All letters of credit shall be in a form acceptable to the City Attorney;
2. Bond Amount. The cash bond or letter of credit in an amount sufficient to cover the approved engineer's estimate plus an additional ten percent (10%) warrantee bond to cover the warranty period for the City owned and maintained improvements in detailed minor lot and platted subdivisions and residential PUDs;
3. Duration. Unless otherwise provided by a contract entered into according to this Chapter, the duration of the cash bond or letter of credit for the improvement bond and warrantee bonds shall continue until all improvement and warrantee work has been completed by the subdivider or developer;
4. Default. Unless otherwise provided by a contract entered into according to this Chapter, in the event the subdivider is in default or fails or neglects to satisfactorily install the required utilities and improvements within two

years from the date of approval of the final plat by the City Council, or to pay all liens in connection thereto, the City may declare the bond or other assurance forfeited, and the City may install or cause the required improvements to be installed, using the proceeds from the collection of the bond or other assurance to defray the expense thereof;

5. Bond Agreement. A signed bond agreement with the City is required. The bond agreement shall be in a form approved for use by the City Attorney. These agreements are deemed necessary and proper to insure the improvements are constructed and the Mayor is authorized to sign them without prior approval from the City Council, and;

6. Release of Bonds:

- A. A maximum of 90% of the cash bond or letter of credit shall be eligible for release as the improvements are completed according to the approved engineering drawings. 10% of the bond shall be retained until the City improvements in a subdivision or PUD are accepted by the City Engineer. The improvements shall not be accepted by the City Engineer until as-built drawings and grading reports are received, and the final inspection by the City Engineer and resulting punch list items are completed by the subdivider;

- B. The additional ten percent (10%) cash bond posted to cover the warranty period shall remain in effect for one (1) year from the date the subdivision or PUD with City improvements is accepted by the City. The purpose of the bond is to pay for items that are not repaired by the subdivider or developer during the warranty period. Once this year has passed and the improvements have been accepted by the City this bond will be eligible for release to the subdivider or developer, and;

- C. When the warranty bond is released the City will be deemed to have accepted all City improvements and shall assume responsibility for ongoing maintenance of the subdivision's or PUD's City improvements.

- K. City Fees. City fees for subdivisions and PUDs will be assessed according to the City's fee schedule and paid for before Final Plan or Plat approval by the City Council. The fees shall include but not be limited to Planning Commission filing fee, plan checking fees, pre-plat approval construction fees, utility line reimbursement fees, lift station up-grade fees, construction inspection fees, water acquisition fees, etc.

L. Inspection of Improvements. The City Engineer shall inspect the work during construction for quality of materials and workmanship, but the subdivider or developer shall be responsible for the quality of all materials and workmanship.

M. Improvement Schedule.

1. After the completed application and filing fees have been submitted to the City no improvement construction shall begin in a platted subdivision, detailed minor lot subdivision or residential PUD, including clearing and grubbing, before the final plat or plan is approved by the City. If the subdivider or developer begins construction on the subdivision or PUD improvements before Final Plat approval by the City Council a pre-plat construction fee as set in the City's Fee Schedule will also be assessed and collected before Final Plat approval by the City Council.

2. The City owned and maintained improvements in a platted subdivision, detailed minor lot subdivision and PUD, and common improvements in a residential PUD, shall be constructed within two (2) years of the final plat or plan approval by the City. If the improvements are not installed within two (2) years of final plat or plan approval by the City, the City shall use the subdivider's or developer's performance bond to install the improvements.

3. In simple minor lot subdivisions included in Section 32-6 Step 2(1)( C) the required City owned and maintained improvements fronting the lot shall be completed before an occupancy permit is issued for any building on the lot.

4. In commercial or industrial PUDs the common PUD improvements serving any lot in the PUD shall be completed before an occupancy permit is issued for the building on that lot.

5. **No building permits will be issued in a platted subdivision or a detail minor lot subdivision (not including PUDs) until all fronting streets improvements are installed and accepted by the City.**

N. As-built Drawings. No bond retainage will be released on a platted subdivision, PUD or a detail minor lot subdivision until final as-built drawings of any City owned and maintained improvements are prepared and submitted to the City Engineer.

O. Improvement Completion and Acceptance. At the completion of the installation of the City owned and maintained improvements the City Engineer shall make a



final inspection of the subdivision or PUD. If "as-built plans are filed and other conditions thereof are found to be satisfactory, the City shall release the bond, not including the 10% cash warrantee bond, or other assurance and accept the responsibility for the dedicated right-of-ways, easements and City owned and maintained facilities. If "as constructed" plans have not been submitted to the City Engineer or the required improvements are not completed within the required time period the City may declare the subdivider in default.

P. Warrantee Period Acceptance. If the condition of material or workmanship shows unusual depreciation or does not comply with acceptable standards of durability at any time during the one year warrantee period it will be the responsibility of the subdivider or developer to make the necessary repairs. If the subdivider or developer does not complete the necessary repairs with 30 days after receiving written notice from the City, the City will declare the subdivider or developer in default and use the 10% warrantee bond to complete the repairs.

Q. Special Improvement Contracts. In the event that the improvements are installed under "special improvement contracts" the planning and execution of the work shall be carried out as prescribed by laws pertaining thereto.

R. Amended plats must be filed. When major changes, not including lot line adjustments, in a plat of a subdivision which has been recorded are made, approval of said subdivision shall be vacated and an amended plat thereof approved and filed in accordance within the requirements of this Ordinance and applicable state laws.

S. Water Right Conveyance to the City.

1. Before final plat approval subdividers and developers of platted subdivisions and residential PUDs are required to convey water rights to the City according to the City's water acquisition ordinance.

2. Minor lot subdivisions and commercial and industrial PUDs shall convey water rights to the City according to the City's water acquisition ordinance when a building permit is obtained on each lot.

T. Enforcement and Permits. No officer of Cedar City shall grant any permit or license for the use of any building or land if such use would be in violation of this Ordinance.

U. Penalty. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment in the County Jail for six (6) months, or by

both fine and imprisonment.

- V. Validity. If any section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not effect the validity of the remaining portion of this Ordinance.

ENTIRE CHAPTER AMENDED BY CEDAR CITY ORDINANCE NO.

**SECTION 32-8. Construction:**

~~—— Structures erected within a subdivision in which soils engineering report has been required must be built in accordance with the findings of the engineering report. This shall be in addition to all other building code requirements.~~

~~—— The Building Inspector shall have the authority to deny a building permit to a builder proposing to erect a structure not in compliance with the findings of the engineering report. The City Engineer shall assist the Building Inspector in determining the compliance of builders with the engineering report. The City Building Inspector shall maintain a complete copy of the soils engineering report for inspection and review by the general public and for the City's use in performing the duties of the City Building Inspector. Violations of Sections 32-6, 32-7, and/or 32-8 shall constitute a Class B Misdemeanor.~~

**SECTION 32.9. Improvements Required Schedule**

~~—— Unless otherwise provided by a contract entered into according to this Chapter, the subdivision improvements will be constructed and paid for on or before August 15th of the year following the year in which the subdivision received final plat approval, unless such final plat approval was given after the May Planning Commission meeting, in which case the subdivision improvements must be constructed and paid for before August 15 of the year two years following the date of approval of said subdivision.~~

~~AMENDED BY CEDAR CITY ORDINANCE NO. 1217-08-1~~

**SECTION 32-9-1. Required Improvements:**

~~—— The following improvements shall be required in all subdivisions:~~

~~—— (1) All streets shall have sub-base, and minimum two (2) inch oil mat from curb to curb in accordance with Cedar City's specifications;~~

~~—— (2) Signs as required;~~

~~—— (3) Street drainage and drainage structures shall be provided in accordance with City specifications as required by the City Engineer;~~

~~—— (4) The subdivider shall install sanitary sewers as approved by the City Engineer in compliance with Cedar City specifications;~~

- (5) Water mains having a diameter of not less than six (6) inches shall be installed in accordance with Cedar City standards as approved by the City Engineer;
- (6) Easements shall be provided, and fire hydrants and water meters installed to City specifications;
- (7) Curbs and gutters shall be installed to City specifications (installation of curbs and gutters are also required by ordinance to comply with application for a building permit);
- (8) Underground utilities shall be installed within the subdivision (these utilities shall include electricity, natural gas, telephone, cable T.V. and street lights; a subdivider may have the option of installing appropriate overhead utilities in any portion of the subdivision in which overhead utilities existed at the time of the presentation of the vicinity plat where such utilities could serve that portion of the subdivision);
- (9) Sidewalks for the entire subdivision shall be included in the subdivider's bond, and the same shall be installed within two (2) years of the final plat approval of the subdivision by the City Council (at the end of the two (2) years, the subdivider, or if the subdivider fails to so act, Cedar City or its designated agent, shall install sidewalks upon lots which do not have sidewalks; if sidewalks are installed by Cedar City or its designated agent, the cost for the same shall be applied against the subdivider's improvement bond); and
- (10) Neighborhood delivery and collection box units (NDCBU) shall be installed (the location of the NDCBU'S shall be designated on the final plat after consultation by subdivider with the United States Postal Service and an appropriate easement provided therefore).—

#### **SECTION 32-10. Engineering Fees:**

—— The subdivider shall be required to pay to the City an inspection fee for inspecting improvements installed by the subdivider. The minimum inspection fee shall be computed at the rate of one per cent (1%) of the cost of improvements.

#### **SECTION 32-11. Cost of Improvements:**

—— Cost of on-site and off-site improvements, which are covered under the provisions of this section, as well as the cost of other improvements, which the subdivider is required to install, shall be shared between the subdivider and the City, according to the following schedule:

##### **~~FACILITY~~   ~~SUBDIVIDER~~   ~~CITY~~**

Easements and rights-of-—— 100% 0%  
way:

Grading and drainage of—— 100% 0%  
streets:

Bridges.—— 100% for all local and—— 0%  
—— collector streets:

Street and paving. ~~100% 0%~~

Curb, gutter, curb cuts, ~~100% 0%~~  
driveways and cross  
gutters.

Sidewalk. ~~100% 0%~~

Street signs. ~~100% 0%~~

Electric utilities, ~~100% 0%~~  
Natural Gas, Telephone,  
Cable T.V., & streetlight  
wiring.

Street Light system. ~~100% 0%~~

Water System ~~100% up to and including~~ ~~All required oversize in~~  
~~the diameter required for~~ ~~excess of the diameter~~  
~~subdivision, 8" minimum.~~ ~~required for subdivision~~  
~~that is eligible for the~~  
~~impact fee reimbursement.~~

Fire Hydrants. ~~100% 0%~~

Pressure irrigation system ~~100% 0%~~

Sanitary sewer system ~~100% up to and including~~  
~~All required oversize in~~  
~~the diameter required for~~ ~~excess of the diameter~~  
~~subdivision, 8" minimum.~~ ~~required for~~  
subdivision  
~~that is eligible for the~~  
~~impact fee~~  
reimbursement.

Storm drains, canals and ~~100% up to and including~~ ~~All required oversize in~~  
Flood Channel Protection ~~the size required for~~ ~~excess of the size required~~  
Systems. ~~subdivision, 12" minimum.~~ ~~for subdivision that is~~  
~~eligible for the impact fee~~  
~~reimbursement.~~

Parks. Special negotiations with ~~Special negotiations with~~

~~City Council. City Council.~~

~~Inspection and Materials 100% 0%~~  
~~Testing~~

~~1. Exception is made when street is Federal or State Highway.~~

~~2. Whenever any off-site property is benefited by the installation of any of the required improvements, the subdivider, prior to recording the final plat, may sign an agreement with Cedar City providing that they shall be reimbursed for the expenses incurred for installing the improvements. After the improvements are installed and accepted by Cedar City, the subdivider can begin receiving reimbursement amounts according to the agreement. These reimbursement amounts shall be collected and be paid by Cedar City to the subdivider that paid for the installation of the improvements. Such reimbursement shall extend until the subdivider has been completely reimbursed without interest for the money expended for installing the improvements, or for a ten year period from the time the reimbursement agreement is executed, whichever occurs first. Reimbursement shall only be collected from off-site property owners whose property fronts the installed improvements. The reimbursement for the fronting off-site property shall be calculated on a front foot basis and shall be 50% of the installation costs for street light, water, sewer and storm drain improvements that front the off-site property and 100% of the installation costs for bridge, street, curb, gutter, sidewalk and sign improvements that are on the off-site fronting property's side of the road centerline. This reimbursement shall not eliminate the requirement to pay impact or other required City fees.~~

~~3. Improvements eligible to be paid for with impact fees shall be reimbursed by the City to the Subdivider. This impact fee reimbursement shall be based on the actual cost of installation including engineering.~~

#### **~~SECTION 32-12. Guarantee of Performance.~~**

##### **~~SECTION 32-12-1. Type and Amount of Guarantees.~~**

~~The type of guarantee may be in the form of a cash bond or letter of credit from an acceptable financial institution in an amount equal to the cost of the required utilities and improvements as approved by the City Engineer.~~

~~AMENDED BY CEDAR CITY ORDINANCE NO. 1217-08-1~~

##### **~~SECTION 32-12-2. Duration.~~**

~~Unless otherwise provided by a contract entered into according to this Chapter, the duration of the cash bond or letter of credit shall continue until all improvement work has been~~

completed by the subdivider.

~~AMENDED BY CEDAR CITY ORDINANCE NO. 1217-08-1~~

**~~SECTION 32-12-3. Default.~~**

~~—— Unless otherwise provided by a contract entered into according to this Chapter, in the event the subdivider is in default or fails or neglects to satisfactorily install the required utilities and improvements within two years from the date of approval of the final plat by the City Council, or to pay all liens in connection thereto, the City may declare the bond or other assurance forfeited, and the City may install or cause the required improvements to be installed; using the proceeds from the collection of the bond or other assurance to defray the expense thereof.~~

~~AMENDED BY CEDAR CITY ORDINANCE NO. 1217-08-1~~

**~~SECTION 32-12-4. Final Inspection, Release and Acceptance.~~**

~~—— The City Engineer shall inspect the work during construction for quality of materials and workmanship, but the subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the City Engineer shall make a preliminary inspection of the public service facilities. If "as constructed" plans filed and other conditions thereof are found to be satisfactory, the City shall release the bond, or other assurance and accept the responsibility for the dedicated right-of-ways and easements. If the condition of material or workmanship shows unusual depreciation or does not comply with acceptable standards of durability, or if "as constructed" plans have not been submitted to the City Engineer within the required time, the City may declare the subdivider in default.~~

**~~SECTION 32-12-5. Special Improvement Contracts.~~**

~~—— In the event that the improvements are installed under "special improvement contracts" the planning and execution of the work shall be carried out as prescribed by laws pertaining thereto.~~

**~~SECTION 32-16-6. Termination of Bond Agreement, Release of Financial Guarantee, and Deferment of Infrastructure Improvements.~~**

~~—— It is the finding of the Cedar City Council that in limited situations it is of little value to the City to call the subdivision improvement bond or letter of credit when market conditions make it such that the units in the subdivision cannot be sold, and the City would have to maintain infrastructure that is not serving residents. The City Council may approve agreements with developers for the termination of the bond agreement, release of the financial guarantee and~~

deferment of the infrastructure. These agreements are not intended to be for a lengthy period of time. Under no circumstances may the City enter into such agreements if any of the lots in the subdivision have been sold, or if dwelling units have been constructed within the development. In addition to terminating the bond agreement, releasing the financial guarantee, and deferring the installation of infrastructure all such agreements shall include the following:

\_\_\_\_\_ A. \_\_\_\_\_ A time limit, at the discretion of the parties the agreement may provide for (1) short term \_\_\_\_\_ extension to the time limit, the total time limit may not exceed four (4) years:

\_\_\_\_\_ B. \_\_\_\_\_ A requirement that the agreement be recorded on the title to the lots in the subdivision as \_\_\_\_\_ a restrictive covenant prohibiting: (1) earth work, disturbance of the ground, removal of \_\_\_\_\_ vegetation, or installation of any infrastructure; and (2) the title to the subdivision or any \_\_\_\_\_ lot therein from being sold, leased, or otherwise transferred until updated construction \_\_\_\_\_ drawings, a new bond agreement and a new financial guarantee is in place;

\_\_\_\_\_ C. \_\_\_\_\_ A requirement that prior to posting a new financial guarantee the developer shall submit a \_\_\_\_\_ new set of construction drawings incorporating all new City standards that have come \_\_\_\_\_ about since the developer received their approval. These construction drawings shall be \_\_\_\_\_ reviewed by the City Engineer and once accepted become a condition of development and \_\_\_\_\_ included with the new bond agreement. The developer will not be entitled to rely on the \_\_\_\_\_ entitlements secured at the time the original subdivision was approved, rather in exchange \_\_\_\_\_ for the benefit of the agreement the developer will be required to update the infrastructure \_\_\_\_\_ required and cost estimates to reflect changing City standards;

\_\_\_\_\_ D. \_\_\_\_\_ A requirement that the developer requesting the agreement produce an updated title report \_\_\_\_\_ showing that the developer owns the entire subdivision and that all taxes have been paid; \_\_\_\_\_ and

\_\_\_\_\_ E. \_\_\_\_\_ A requirement that the developer stipulate to the City vacating the subdivision after the \_\_\_\_\_ agreement expires if no new financial guarantee and bond agreement is produced. Also, a \_\_\_\_\_ provision requiring a refund of fees paid by the Developer for the subdivision approval \_\_\_\_\_ less the plat checking fee:

~~AMENDED BY CEDAR CITY ORDINANCE NO. 1217-08-1~~

### ~~SECTION 32-13. General Requirements:~~

#### ~~SECTION 32-13-1. Standards and Specifications:~~

~~— Specifications for design of plans and plats, and for the design and quality of materials, to be used in the construction of required improvements shall be prepared by the City Engineer, and upon approval by the Planning Commission and City Council, shall be adopted by resolution by the City Council. Said requirements shall be considered minimum and shall apply under all ordinary circumstances; provided, however, that where the subdivider can show that a provision of these general requirements and design standards would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission, a departure may be made without destroying the intent of such provisions, the Planning Commission may authorize a variance. Any variance so authorized shall be stated on the final plat and the reasons for such departure shall be entered in writing in the minutes of the Planning Commission.~~

#### **~~SECTION 32-13-2. Improvements Standards:~~**

~~— All improvements shall be installed in accordance with City Specifications as directed by the City Engineer.~~

#### **~~SECTION 32-13-3. Parks, School Sites, Other Public Space:~~**

~~— In subdividing property, consideration shall be given to sites for schools, parks, playgrounds, and other areas for public use, as shown on the Master Plan. Any provisions for such open spaces should be indicated on the Preliminary Plan in order that it may determine when and in what manner such areas will be dedicated to, or required by, the appropriate agency.~~

#### **~~SECTION 32-13-4. Water Pressure:~~**

~~— No subdivision shall be approved in an area in which the water pressure at the highest spot in said subdivision has less than 35 p.s.i. with the water tank serving said area containing the amount of one (1) foot of water in said tank, unless said subdivision installs a water system consisting of either additional storage, booster pumps, or other requirements as determined to be necessary by the City Engineer to provide service to areas within said subdivision not meeting the 35 p.s.i. requirement.~~

#### **~~SECTION 32-13-5. Amended Plats:~~**

~~— Amended plats must be filed. When major changes in a plat of a subdivision which has been recorded are made, approval of said subdivision shall be vacated and an amended plat thereof approved and filed in accordance with the requirements of this Ordinance.~~

#### **~~SECTION 32-13.6. Access:~~**



~~All subdivisions shall have access to a dedicated, paved, City street or state highway. If these conditions do not exist, the subdivider will be required to obtain such access before final plat approval and make improvements before the subdivision is accepted.~~

**~~SECTION 32-13-7. Minimum Utility Easements on Residential Lots:~~**

~~Residential subdivision plats prepared for filing shall be required to show the following minimum utility easements:~~

- ~~—— A. Minimum ten-foot utility easement on the front lot line;~~
- ~~—— B. Minimum six-foot utility easement on the side lot line; or~~
- ~~—— C. Minimum seven one-half utility easement on the rear lot line.~~

~~Said utility easements shall be for the purpose of installing and maintaining utility lines as required. Prior to filing of any residential subdivision plat, all utilities currently operating in Cedar City, Utah, shall acknowledge by signature on the plat that they have reviewed said utility easements, and guarantee their utility improvements will be installed.~~

**~~SECTION 32-14. Enforcement and Permits:~~**

~~—— No officer of Cedar City shall grant any permit or license for the use of any building or land if such use would be in violation of this Ordinance.~~

**~~SECTION 32-15. Penalty:~~**

~~—— Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment in the County Jail for six (6) months, or by both fine and imprisonment.~~

**~~SECTION 32-16. Validity:~~**

~~—— If any section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not effect the validity of the remaining portion of this Ordinance.~~

*Remainder of page intentionally left blank.*

**NOW THEREFORE BE IT FURTHER ORDAINED** by the City Council of Cedar City, State of Utah, that City staff shall be authorized to make such non-substantive alterations to the format of this ordinance as may be reasonably necessary in order to conform the ordinance into the City's printed and electronic ordinance publications..

**NOW THEREFORE BE IT FURTHER ORDAINED** by the City Council of Cedar City, State of Utah, that this ordinance, Cedar City Ordinance No. \_\_\_\_\_, shall become effective immediately upon publication as required by State Law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAILE L. WILSON  
MAYOR

[SEAL]  
ATTEST:

\_\_\_\_\_  
RENON SAVAGE  
RECORDER